FRANCISCO PINA POLO (ed.)

THE TRIUMVIRAL PERIOD

CIVIL WAR, POLITICAL CRISIS AND SOCIOECONOMIC TRANSFORMATIONS

EDITORIAL UNIVERSIDAD DE SEVILLA
PRENSAS DE LA UNIVERSIDAD DE ZARAGOZA

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This book is dedicated to the memory of Fergus Millar

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INTRODUCTION

Julius Caesar was assassinated on the Ides of March in the year 44 BC because a large group of aristocrats thought that the Roman *res publica* was on its way to being destroyed and replaced by a system of one-man rule led by Caesar, who at the time had been appointed *dictator perpetuus* and whose authority at Rome had been uncontested since his victory over the Pompeians in the Civil War. The conspirators apparently assumed that the dictator's death would be enough to make things return to how they had been before the beginning of the Civil War in 49, that is, to what they considered to be the traditional Republic.[1] However, a substantial part of the new political elite, who had been loyal to and benefited from Caesar for some time, did not support the plotters, and the Roman plebs openly demonstrated against them.

The Caesarians, with the consul Marcus Antonius leading them, managed to thwart the coup and then they themselves took the control of the city. The reading of Caesar's will brought the man who would later become the ruler of Rome to the forefront of the political scene. This, of course, was his adoptive son Octavius, who cleverly adopted his father's name and became Gaius Julius Caesar. Over the following months, military clashes took place among various competing forces, which turned out to be the beginning of the civil wars that would drag on for more than a decade. During this period, alliances between leading men shifted time and again in accordance with personal interests.

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1 See now P. López Barja de Quiroga (2020) "The *Bellum Civile Pompeianum*: the War of Words", *CQ*.

While in general terms one can speak of a struggle between Caesarians and 'Republicans', at times these conflicts were undoubtedly more personal than ideological.

In November 43 with the passing of the *lex Titia*, the Triumvirate, which was comprised of Lepidus, Antonius and Young Caesar, emerged as the highest of Rome's magistracies. According to Appian, the Triumvirs had consular power that was supposedly identical to that of the consuls. In practice, however, the prerogatives of the Triumvirs were above anything that had traditionally corresponded to Republican Rome's highest office. The creation of the Triumvirate as the official magistracy for the Roman government radically changed the political scene: for just over a decade, Marcus Antonius and the future Augustus (with Lepidus having lost practically all of his influence) ruled Rome, first as allies against the anti-Caesarians or 'Republicans' (most notably Sextus Pompeius, Pompey the Great's youngest son) and then later against each other until Octavian defeated Antonius at Actium in 31, thus becoming the sole ruler of the Roman Empire.

The so-called Triumviral period (43-31) is the historical and chronological topic on which this book focuses its attention. It is a period of enormous complexity, to explain which we must rely on mainly later sources, ranging from the historians Cassius Dio and Appian to authors who narrated the life of Augustus and Antonius, such as Suetonius and Plutarch. That said, Cicero is also useful for the months that followed Caesar's assassination. It was a period characterized by intense political propaganda between the various rivals who vied for the public's favour. While we can partially reconstruct these wars of words, young Caesar's eventual success and long rule as Princeps allowed him to rewrite history according to his own interests, a fact that makes it all the more difficult to reconstruct the Triumviral decade.

Nothing from the subsequent Augustan age can be fully understood without keeping in mind (and understanding) the previous Triumviral period. Nonetheless, on many occasions scholars have acted as if the Triumvirate was merely a transitional phase between Caesar and Augustus, though it is clear that the period must be studied in and of itself. Historians, of course, know what happened after this brief period: the creation of the Principate under Augustus' rule, and therefore the de facto establishment of a monarchy plastered over with a Republican facade. But the protagonists of the Triumviral period obviously did not know what would become of Rome's future. They

were living through a phase of the Republic that was characterized by a series of social and political conflicts that were in part new and different and yet partly identical to the tensions of the previous decades. This book seeks examine the Triumviral period on its own terms, not merely as a phase of transition to the Principate and not explaining what was happening with an eye towards the future, but rather as a consequence of the recent past and taking into account the specific circumstances that came into play in 43-31.

On the basis of available sources, a large part of the bibliography on the Triumviral period has heavily focused on the military events and on the period's dominant characters (e.g. Antonius, Octavian, Sextus Pompeius or even Cleopatra), thus giving paramount prominence to the shifting alliances established between such figures. There is no doubt that the study of these leaders is important, but this volume instead aims to address a series of underlying structural problems that emerged between 43 and 31, such as the legal nature of power attributed to the Triumvirs; changes and continuity in Republican institutions, both in Rome and the provinces of the Empire; the development of the very concept of civil war; the strategies of political comunication and propaganda carried out by various means (especially through oratory) in order to win over public opinion; economic consequences for Rome and Italy, whether caused by the damage from the constant wars or, alternatively, resulting from the proscriptions and confiscations carried out by the Triumvirs, which meant the ruin of many elite families and the enrichment of others; and the transformation of Roman-Italian society.

The book is divided into five sections, the first of which is devoted to institutional issues under the title *Continuity and Change: Interactions between Triumviral and Republican Institutions*. To begin, Frederik Vervaet focuses on the legal dimensions of the Triumvirate, analyzing the genesis of the office and its distinctive features. To do so, Vervaet examines the precise circumstances behind the *lex Titia*, as well as the motives and calculations of the protagonists involved. The question of how extraordinary this magistracy really was is also raised: the Triumvirate was certainly unprecedented, but did it come out of nowhere? Any answer to this question must be steeped in the discussion on the so-called non-annual Republican magistracies. Next, Francisco Pina Polo addresses the question of how the traditional Republican institutions (magistracies, assemblies and senate) and the Triumvirs lived together or confronted each other. In short, can we speak of institutional normality or should we speak of institutional exceptionality during the Triumviral period?

The first section closes with Marie-Claire Ferriès' chapter in which she studies the composition of the senate during the period and the political implications of such an organization.

War was omnipresent between 43 and 31 in different scenarios throughout the Mediterranean, but also in Italy. There were attempts at mediation to achieve peace as well as concrete pacts that resulted in short-lived agreements amid quickly changing alliances. The second section, *War and Peace*, is dedicated to these topics, although it does not deal with the study of any specific conflict. Valentina Arena analyses the idea and concept of *bellum civile* throughout the first century, by asking what its meaning and consequences were in the Triumviral period and when the term's popularity came to overshadow other phrases that refer to political dissension and strife. Arena focuses on what this change in language use reveals about the ways in which the Romans conceived of their own civic and political community. Carsten Hjort Lange also concentrates on the impact of civil war on Roman society and Roman culture in general during the late Republic and especially during the early days of the Triumvirate, while also devoting the second part of his chapter to the so-called Pact of Brundisium. From a very different perspective, Hannah Cornwell studies the rhetoric of peace and reconciliation, emphasising the repeated use of the term *concordia* during the period, though remarkably this is the *concordia* of individuals rather than of the community as a whole. Finally, Francesca Rohr Vio tackles a very specific subject: why and how were children used in politics and in diplomacy? Was this an ancient custom or was it something innovative at the time? What arguments and tools were used to legitimise such practices?

The third section is dedicated to *Strategies of Political Communication*. One of the most significant aspects of the political conflict that took place during the Triumviral period in Rome was the struggle for legitimacy between the various contenders. For that reason it was fundamental to win the battle for public opinion, particularly in the city of Rome. Consequently, oratory in the senate, before the people and in the courts was an essential element for the diffusion of political arguments and the discrediting of one's adversary. Catherine Steel explores the institutional framework for public speech in the period, paying particular attention to how the functions and use of public oratory changed, who the speakers were and finally the exceptional role of women as public speakers. One of the key elements of oratory during the Triumviral period was the belittling of the political adversary in speeches and pamphlets through invective, a word that embraces the full spectrum of

insults and verbal abuse in order to vilify an opponent. Martin Jehne analyses in his chapter the rapid escalation of invective and the impact that the presence of troops in or around the city of Rome had on invective culture.

Both in ancient times and today, one of the objectives of oratory is to provoke fear, both individual and collective, as a means of achieving the speaker's political goals. This is the topic that Frédéric Hurlet has studied, taking as his point of departure the fact that fear was obviously present in Roman society during the Triumviral period. Hurlet analyses, on the one hand, the concrete expressions of that emotion that appear in the sources and the use that the political leaders made of it. On the other hand, he discusses the way in which Octavian instrumentalized and even amplified it once he took power, in order to draw a clear contrast between the insecurity of the previous years and the tranquility assured by the new regime thanks to the return of peace. It was obviously military success that delivered final victory and unchallenged power to Young Caesar. However, public speech was also very significant to his eventual success. In this respect, Henriette van der Blom analyses Octavian's oratorical record in the late Republican and Triumviral periods in order to assess how he employed public speech as a part of his career and how his speeches were recorded.

Enrique García Riaza focuses on the crucial role played by political communication under the Triumvirate, since the dissemination of news and circulation of information coming from very different locations all over the Mediterranean served as the key factor in the decision-making process. García Riaza pays particular attention to the relationship between orality and writing in political communication, before concluding with a discussion of the spaces and scenarios used for negotiation during the period. Finally, Kathryn Welch analyses Marcus Antonius and the power of images, in particular Antonius' self-presentation in coins issued in 44-43, which provide evidence for his creativity and originality.

The ancient sources that we have to reconstruct the Triumviral age concentrate especially on wars and battles on the one hand, and on the other hand on the main protagonists, especially Marcus Antonius and Octavian. This makes it difficult to deal with socio-economic aspects, for which evidence is quite scarce. This is, nonetheless, the subject of the book's fourth section, entitled *Crisis and Restoration at Rome and in Italy*. First, Dominik Maschek uses a combination of archaeological and textual evidence, mainly focusing on construction and conspicuous consumption from the period, in order to determine how intense the impact these profound transformations were on

Roman society of the *res publica*. Cristina Rosillo-López, for her part, focuses on the socio-political experience of the broader Italian population: revolts in Italy and Rome; unrest over taxation; population movements and their consequences; and the role of banditry. Much attention has been devoted to confiscations and expropriations of Italian lands, which generated in the long term an extended and collective perception of unprotected property rights. This was humiliating for the defeated, but at the same time it helped to secure the Triumvirs' hold on power. Marta García Morcillo addresses this topic along with some relevant Triumviral monetary and fiscal policies, in order to help identify the underlying institutional developments that attempted to re-establish order and security within the economic system.

The last section of the volume is dedicated to *The Triumvirs and the Provinces*. Alejandro Díaz Fernández addresses how Hispania was administered during the Triumviral period. In his contribution, Andrea Raggi collects and discusses the official documents coming from the Greek East issued during the Triumviral period. He includes new additions to the list found in Millar's classic article from 1973 (see below) as well as some different scholarly analyses of these documents. Finally, W. Jeffrey Tatum discusses Antonius' stay in Athens during the first winter after Philippi in an effort to uncover something about Antonius' administration and profile in the East in the immediate aftermath of the battle.

The book concludes with Clifford Ando's closing remarks (*Law, Violence and Trauma in the Triumviral Period*), which provide both a synthesis of the volume's contents and a series of reflections for further research on the open questions surrounding the long debated Triumviral age.

The book contains contributions that were initially presented at the colloquium *The Triumviral Period: Civil War, Political Crisis and Socioeconomic Transformations*, held in Zaragoza on 3-5 September 2019. The conference was sponsored by the Research Group Hiberus (Government of Aragón) and the Institución Fernando el Católico (Diputación Provincial Zaragoza). Both the conference and the book have been mainly funded by the project *The Triumviral period and the collapse of the Roman Republic (43-31 BC): institutional, social and economical transformation* (HAR2017-82383. Agencia Estatal de Investigación, Ministerio de Ciencia, Innovación y Universidades, Spanish Government).

Fergus Millar died in Oxford in July 2019. Many of the authors included in this book knew Fergus and enjoyed his friendship. For many of us, the meetings in Oxford over a coffee in which we got to meet many interesting people have proven unforgettable and invaluable. Fergus was a generous person who was always willing to help others, especially young colleagues. He was a modest and truly wise man, who never needed to show off, in part since his *auctoritas* was enough to establish him an undisputed expert and leader in the field. In short, Fergus was one of the most prominent and distinguished ancient historians of the last decades, during which he shed light on a range of diverse subjects including the following: Cassius Dio, the emperor in the Roman world, the Roman Republic, and recently also Late Antiquity. Whatever topic Fergus studied, he always left his mark and opened up new paths for future scholarship. This is also true for the Triumviral period, for which his seminal article "Triumvirate and Principate", published in 1973 in the *Journal of Roman Studies*, remains essential. For all these reasons, Fergus Millar deserves our appreciation and recognition. It is therefore a great pleasure and honour to dedicate this volume to his memory.

Francisco Pina Polo

I

CONTINUITY AND CHANGE: INTERACTIONS BETWEEN TRIUMVIRAL AND REPUBLICAN INSTITUTIONS

THE TRIUMVIRATE *REI PUBLICAE CONSTITUENDAE*: POLITICAL AND CONSTITUTIONAL ASPECTS*

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1. Introduction

That the Triumvirate *r.p.c.* in many respects mirrored Sulla's notorious *dictatura legibus scribundis et rei publicae constituendae* and furthermore revived some of the key features of Caesar's dictatorship is beyond doubt and there would be little point in producing a mere comparative summary here.[1] The main aim of this contribution is to establish some of the institutional framework for the ensuing contributions by considering the nature and particularities of the Triumvirate as a magistracy of the Roman people. In order to deepen our understanding of this office, this study takes a two-

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* This chapter combines and advances on some of my earlier work on the Triumvirate *r.p.c.* (esp. Vervaet 2010; 2014: 239-252, and 2018: 69-73). So as to distinguish this *ad hoc* magistracy from the more frequent triumviral boards of the republican era, I have consistently capitalized Triumvirate and Triumviral whenever discussing (matters pertaining to) the Triumvirate *r.p.c.*, doing the same with the Decemvirate *consulari imperio legibus scribundis.* I would like to take this occasion to cordially thank my *optimus conlega* and longstanding friend Francho for providing me with the opportunity to speak at his excellent and intellectually most stimulating conference and publish in this ensuing volume. All dates are BCE unless otherwise indicated.

1 See esp. Sordi 1993 and Vervaet 2004: 2014 (223-252) and 2018. As the Triumviral proscription edict expressly mentioned the precedent set by Sulla (App. *B Civ.* 4.10), Sordi op. cit., 88-89 rightly suggests that "i triumviri ritorcevano con ironico cinismo sui loro avversari i loro slogans propagandistici".

pronged approach. First, it will be argued that, regardless of its extraordinary empowerment, the Triumvirate still possessed all of the distinctive features of the so-called magistracies *ad tempus incertum*, the extraordinary or non-annual magistracies of the republican era. Next, a survey of the attested extraordinary prerogatives of the Triumvirs will demonstrate that these, more than anything else, account for the exceptional nature of this magistracy, both in the *domi* and *militiae* spheres and vis-à-vis the traditional (pro)magistracies *cum imperio*.[2]

2. The Triumvirate *R.P.C.:* Just How Novel?

On 27 November 43, M. Aemilius Lepidus (*cos*. 46), M. Antonius (*cos*. 44) and C. Iulius Caesar Octavianus (*suff*. 43) had the tribune of the *plebs* P. Titius propose and carry a law investing each of them with the magistracy of *triumuir rei publicae constituendae*. So as to facilitate their vast official commission, viz. to safeguard and recover the besieged Republic, the law provided for a timespan of five consecutive years and invested them with enhanced consular *imperium*.[3] Since the *Fasti Colotiani* record Lepidus, Antonius and Caesar the Younger as *IIIuir(i) r(ei) p(ublicae) c(onstituendae) ex a(nte) d(iem) V k. Dec. ad pr(idie) k. Ian. sext(as)*, i.e., from 27 November 43 up to and including 31 December 38, it follows that they assumed this new magistracy on the spot.[4]

In *B Civ.* 4.2, Appian labels the office agreed upon by Lepidus, Antonius and Octavianus during their conference near Bononia as "a new magistracy for the quelling of civil dissensions": καινὴν δὲ ᾽αρχὴν ἐς διόρθωσιν τῶν ἐμφυλίων. In *Aug*. 26.1, Suetonius, too, unequivocally hints at the unprecedented nature of this magistracy: *Magistratus atque honores et ante tempus et quosdam noui generis perpetuosque cepit.* Whereas its impressive battery of *iura extraordinaria* (*infra*) decidedly defines the Triumvirate as a magistracy of remarkable singularity, it can still be argued that this office

2 For full discussions of the functioning of republican institutions under the Triumvirs, see Laffi 1993 and Pina Polo in this volume.

3 For the quinquennial *tempus*, see App. *B Civ.* 4.2; 5.13; 5.15; 5.43; 5.95; Dio Cass. 46.55.3 (comp. 48.54.6); and Liv. *Per.* 120.

4 Degrassi, *Inscr. It.* 13.1, 273-274 (= *CIL* I² p. 64). As De Martino 1993: 68-69 observes, the Titian Law was thus passed in violation of the *lex Caecilia Didia*, which in 98 had mandated a *trinundinum* between *promulgatio* and *rogatio*.

displayed all distinctive features that commonly mark the so-called non-annual, or extraordinary, magistracies of the republican era.[5]

First, these magistracies were created *extra ordinem*, i.e., outside of the traditional *cursus honorum* of the *magistratus annui*, to execute special or unusual tasks.[6] In November 43, the extraordinary commission of the *triumuiri r.p.c.* as defined by the Titian Law was to put an end to the civil dissensions that threatened to destroy the Republic.[7] Second, these magistracies were mostly constituted by virtue of laws passed in the tribal assemblies, not in the *comitia centuriata*, even though they usually carried *praetorium imperium* and *auspicium (patriciorum) maximum*. This characteristic signifies that, under Augural Law, these magistracies ranked amongst the so-called *magistratus maiores*, regardless of the fact that they were not typically created by vote of the *comitia centuriata* like the annual (i.e., the college of the praetors and the consuls) and the non-annual (i.e., the censorial college) *magistratus maiores*. Owing to its tremendous importance, the *censura* indeed was the only one of the recurrent non-annual magistracies to be elected in the centuriate assembly under the presidency of the consuls. Any non-annual magistracies endowed with a type of *auspicia patriciorum maxima* required a *lex curiata de imperio*, or, in the case of the censors, a *lex censoria de potestate*, in order to become *magistratus iusti*, fully legitimate

5 With regard to the term extraordinary magistracy, Coli 1953: 412 rightly observes that "queste classificazioni sono creazioni della dottrina romanistica moderna e non si trovano enunziate nelle fonti." Nonetheless, Cicero's words in *Leg. agr.* 2.24 (*Praesentem enim profiteri iubet, quod nulla alia in lege umquam fuit ne in iis quidem magistratibus quorum certus ordo est*) suggest that the term *magistratus extraordinarii* for special *ad hoc* magistracies such as the 'Rullan' *decemuiri* and the *triumuiratus r.p.c.* is not altogether inappropriate. Coli (406) for his part, labels these magistracies as "le magistrature non permanenti". To my thinking, it is better to distinguish simply between the annual and non-annual magistracies of the Roman People.

6 On the basis of their relative frequency, one could argue that, regardless of their status as *magistratus ad tempus incertum*, the dictatorship and especially the *censura* had *de facto* become part of the traditional *cursus honorum*.

7 App. *B Civ.* 4.2 and 7. For the Triumvirs' original commission, see also the introduction of the notorious proscription edict as quoted in App. *B Civ.* 4.8: "Marcus Lepidus, Marcus Antonius, and Octavius Caesar, chosen by the People to set in order and regulate the *res publica*": Μᾶρκος Λέπιδος, Μᾶρκος Ἀντώνιος, Ὀκτάουιος Καῖσαρ, οἱ χειροτονηθέντες ἁρμόσαι καὶ διορθῶσαι τὰ κοινά. As circumstances and exigencies would often change over the decade, the concrete interpretation of this overall commission was repeatedly redefined by the Triumvirs in order to legitimate their continuing tenure of the plenipotentiary magistracy: see Lange 2009, Vervaet 2010.

magistracies in terms of public and augural law.[8] These constitutive laws, mostly – though not invariably – passed *ex s.c.*, defined the number, function(s) and powers (*iura*) of the magistracy, and could provide for a direct election, a *nominatim* appointment, or command a complementary election.[9] If need be, the constitutive law could furthermore set an official

8 That the constitutive laws for extraordinary magistracies were in all likelihood mostly passed in the *comitia tributa* or the *concilium plebis* is attested by, e.g., Liv. 34.53.1-2 (194, with the *praetor urbanus* subsequently presiding over the election of the *triumuiri coloniis deducendis*, probably by the tribal assemblies) as well as by the example of the so-called Gracchan commissioners, on whom see Dart 2011. At all events, Mommsen 1887[3]: 2, 710 is certainly right to state that "Ohne speciellen Volksschluss entsteht wie überhaupt keine ausserordentliche, so am wenigsten eine constituirende Magistratur." For extraordinary magistracies often carrying *imperium*, see, e.g., Liv. 34.53.1-2 (194: [*coloniis*] *deducendis triumuiri creati, quibus in triennium imperium*); Cic. *Leg. agr.* 2.32 (*Dat praeterea potestatem uerbo praetoriam, re uera regiam*: not the praetorian *potestas* but its enhancement with special powers being reprehensible – see Cic. *Man.* 69 and Tac. *Ann.* 14.18.2 for *praetoria potestas* being synonymous with *praetorium imperium*) and 2.60 (*xuiri cum imperio, infinita pecunia, maxima potestate et iudicio rerum omnium*); and App. *B Civ.* 4.2 (the *triumuiri r.p.c.* held the *consulare imperium*: cf. *infra*). Liv. 32.1.6 (199) shows that commissions *agris adsignandis* must have required *praetorium imperium*. For possession of the *auspicium*, see esp. Cic. *Leg. agr.* 2.27-31, where Cicero vehemently attacks the *rogatio Seruilia agraria* for a provision substituting the regular (vote of a) *lex curiata* (*de imperio*) in confirmation of the magisterial *auspicia*. That the *lex curiata de imperio* was most probably passed to confirm the *auspicia publica* of the *magistratus cum imperio* as being the *auspicia patriciorum maxima* and so qualified their *imperium* as *iustum* can be inferred from the combined information provided in Liv. 6.41.5-6 and 22.1.5-6; Cic. *Leg. agr.* 2.27-31; and (the augur M. Valerius Messalla Rufus, *cos.* 53, in) Aul. Gell. 13.15.4. For evidence suggesting that every individual *magistratus annuus cum imperio* had to conduct the vote of his own *lex curiata de imperio*: Cic. *Leg. agr.* 2.26 and 28 (Ferrary [1977]: 649 and n. 106 cleverly points out the fact that Cicero here does not object "sur le fait de confier au *praetor primus* le soin de proposer la loi curiate, et indépendamment de l'opportunité de cette loi [i.e., on behalf of the so-called Rullan *decemuiri* of December 63], il n'élève aucune objection"; praetors passing *leges curiatae de imperio* on their own behalf and, occasionally, that of extraordinary magistrates, must have been standard procedure), and 2.30; Dio Cass. 41.43.3. For a full discussion of the augural distinction between *magistratus maiores* and *magistratus minores*, the scope of the *lex curiata de imperio* (*centuriata de potestate* in case of the censors), see Vervaet 2014: 47, 97 and esp. 304-370 (after M. Valerius Messalla, augur for 55 years and *cos.* 53, in Aul. Gell. 13.15) and Vervaet 2015.

9 A necessary qualification of Mommsen 1887[3]: 2, 711: "Die Bestimmung der Person kann entweder erfolgen durch Anordnung eines Wahlacts oder es wird gleich in dem Einrichtungsgesetz die Person namentlich bezeichnet." The constitutive laws were usually passed by consuls, praetors or tribunes of the *plebs*. For a series of probable or certain examples of direct election or *nominatim* appointment by virtue of the constitutive law, see, e.g. Liv. 23.21.6-7 and 23.30.14-15 (216); 40.18.7-8 (181) and, of course, the – no doubt centuriate – Valerian (on which Vervaet 2004) and (tribunician) Titian laws for the creation of

term (*tempus*) for the completion of the commission provided. Depending on the magnitude of the task, this *tempus* often spanned more than one calendar year, in sharp contrast to the annual magistracies, of which only the *potestas* could be prorogued beyond their tenure.[10] The Triumvirs *r.p.c.* were appointed *nominatim* by the constitutive *plebiscitum Titium* which invested them with greatly enhanced consular *imperium* (*infra*) and, given their vast commission, suitably provided for a quinquennial *tempus legitimum*. Third, it was perfectly possible to combine two non-annual magistracies or a non-annual one with an annual one, curule or plebeian, whereas the combination of two annual (curule or plebeian) magistracies was legally inadmissible.[11] As is well known, all three of the Triumvirs *r.p.c.* held the consulship at least once during their Triumviral tenure (viz. Lepidus in 42, Antonius in 34, also being *cos. design.* for 31 until January 32, and Octavianus in 33 and again in 31-27).[12] The fourth common feature of the extraordinary magistracies was that they were created *ad tempus incertum*, as opposed to the annual magistrates, who were elected *ad tempus certum*. Indeed, in 1953, the Italian

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magistrates *rei publicae constituendae*. For probable or certain examples of appointments through complementary elections ordered by the constitutive law, see, e.g., Liv. 9.30.3-4 (311); 10.21.7-10 (296); 31.4.1-3 (201); 32.29.3-4 (197); 34.53.1-2 (194); 35.9.7-8 (193); 35.40.5-7 (192); 37.46.9-11 (190); 39.23.3-4 (186); 39.55.5-6 (183); 42.4.3-4 (173) – in many cases (comp. also 43.17.1: 169) it is likely that Livy omits constitutive laws and only mentions the initiating *senatus consulta* and the actual election (*e lege ex s.c.*), the first and final stages of the procedure – and, finally, Cic. *Leg. agr.* 2.16-18, 21 and 31, where Cicero records that the *rogatio Seruilia* exceptionally provided for an election of *decemuiri* by only 17 *tribus* to be selected by lot, on the model of the *comitia* for the pontifex maximus, and not, as usual for such agrarian commissions, by the entire *comitia tributa*. The magistrate presiding over the complementary, electoral *comitia* usually (though not always) was the *praetor urbanus*. The overall impression is one of considerable flexibility, the advisable procedure being determined by the circumstances and needs of the moment.

10 See, e.g., Liv. 32.29.4 (197: *triumuiri deducendis iis, qui per triennium magistratum haberent*); 34.53.2 (194: *His deducendis triumuiri creati, quibus in triennium imperium esset*) and Cic. *Leg. agr.* 2.32 (*definit in quinquennium, facit sempiternam*), 34 and 64.

11 See, e.g., Mommsen 1887[3]: 1, 513-517 and 2, 146 (*dictator*), 174 (*magister equitum*) and 340 (*censores*); Kunkel – Wittmann 1995: 7-8, 564-565, 641, 693 n. 143. (consulship and dictatorship: 7 n. 11 and 9 n. 16; praetorship and dictatorship, and consulship or *aedilitas* and *magisterium equitum*: 7, n. 11); Vervaet 2007: 230-231 (examples involving the *magisterium equitum*). See Liv. 32.29.3-4 and 34.45.1-2 for the fact that Ti. Sempronius Longus held one of the consulships of 194 while also being in his third and final year as triumvir *coloniis deducendis* (cf. also Broughton *MRR* 1, 334, 342-343 and 345.)

12 See Broughton *MRR* 2, 357, 410, 413, 419-420 and Degrassi *Inscr. Ital.* 13.1, 86-87. For the abrogation of all of Antonius' offices in January 32, see Dio Cass. 50.4.2-3 and 10.1.

historian Ugo Coli wrote a truly brilliant if mostly ignored study on the temporal limitation of Roman magistracies in which he deepened, and significantly improved on, the relevant views of Th. Mommsen.[13] For the sake of this inquiry, it is well worth discussing the gist of Coli's compelling argument.

He first observes that, while the fundamental premises of the republican polity required all Roman magistracies to be *ad tempus*, some were *ad tempus certum*, with a well-defined duration, whereas others were *ad tempus incertum*, without a fixed term. Given the continuous indispensability of their functions, the consulship and later all other annually recurring magistracies were limited to one year. Those magistracies, however, that carried exceptional or unusual responsibilities had inherent temporal limitations, since their *raison d'être* ceased to exist from the moment their designated task was fulfilled. The best-known examples of the latter category are the dictatorship, its different *causae* (as typically decreed by the Senate in the pre-Sullan era) defining its specific functions, and the *censura*. Although these magistracies were indeed limited to six and eighteen months respectively, these *tempora* really were comminatory maximum time spans for the completion of the set task. In correlation with this sharp distinction, Coli goes on to explain, there also existed a fundamental difference as regards the *cessatio* of both categories of magistracies. Once their term expired, the *magistratus annui* lapsed automatically, *ipso iure*. If they had not been granted the right to further exercise the *potestas* of the magistracy concerned by virtue of explicit prorogation their occupants irreversibly became private citizens. This form of *cessatio* was termed *magistratu abire* and was an involuntary act.[14] The magistracies *ad tempus incertum*, however, could not cease *ipso iure*, since their occupants had to abdicate, i.e., to conduct the act of *uoluntate abire magistratu*. On the one hand, it was indeed generally expected that the magistrate concerned should lay down

13 Coli 1953. Its publication in a Festschrift rather than a journal probably accounts for its unfortunate and wholly undeserved obscurity. Amongst those few scholars who read it, Gabba 1970: 7 rashly rejected its argument.

14 *Contra* L. Lange, who confounds both procedures, Coli 1953: 404 rightly explains that "Il giuramento *in leges* e il discorso *in contione* erano formalità dell'*abire magistratu*, paragonabili alle formalità dell'*inire magistratum*; ma l'*abire magistratu*, ossia l'uscita dalla carica, poteva aver luogo automaticamente, per l'arrivo della scadenza fissa, o volontariamente, per abdicazione. L'abdicazione veniva fatta dal magistrato che non era soggetto o non era ancora soggetto a perdere la carica per effetto della scadenza."

his office as soon as the task to which he had been appointed was completed as its *raison d'être* had ceased to exist. Any continuation beyond this point was consequently considered a censurable abuse. On the other hand, these magistrates nevertheless continued to hold office until the voluntary abdication of the incumbent.[15] In sum, for this truly diverse category of magistracies, such as, e.g., the dictatorship and the *magisterium equitum*, the *censura*, the *IIIuiri mensarii*, the *III/XXuiri agris dandis adsignandis* or *coloniae deducendae*, the *IIuiri aedi dedicandae/locandae* and the *IIuiri classis ornandae reficiendaeque*, the procedure of *abdicare se magistratu* was the only possible means to end – apart from, of course, death or formal abrogation.[16] Nonetheless, *continuatio* beyond completion of the task or even the comminatory term was highly unlikely under normal circumstances. The general expectation indeed was for the incumbent to abdicate as soon as his set task had been accomplished, regardless of whether or not the constitutive law had defined a comminatory *tempus*, and any continuation beyond the completion of one's specific commission could trigger criminal prosecution.[17]

It follows that the Triumvirate too could only officially end by virtue of voluntary abdication, formal abrogation or the incumbent's decease, regardless of the statutory provision for two more or less consecutive quinquennial terms. At some point late in 37[18], after having continued in their offices well

15 *Contra* Mommsen 1887[3]: 2, 159-162 (*dictator*) and 348-350 (*censor*), Coli 1953 (esp. 406-408) correctly suggests that even the *tempora* of the *dictatura rei gerundae causa* and the *censura* did not involve automatic termination, as formal abdication was still required to make these offices cease. Coli explains that their *tempora*, too, were purely comminatory, indicating the absolute maximum term for completion of the set task, and continues to argue that the same was true for the terms of all magistracies that were created outside the regular order of the *magistratus annui*.

16 Coli 1953: 397-412 – Coli apparently overlooked statutory abrogation as an 'exogenous' means to terminate an extraordinary magistracy. Although he (411-412) insists "che la distinzione fra magistrature permanenti e non permanenti non coincide con la distinzione fra magistrature ordinarie o straordinarie", it is important to ascertain that all non-annual magistracies alike could only end by means of formal abdication on the part of the occupant, and that the so-called extraordinary magistracies invariably belonged to the category of the non-annual magistracies.

17 See Vervaet 2010: 142-145. In the unusual event that magistrates *ad tempus incertum* felt that their comminatory *tempus legitimum* was insufficient for them to complete their task, they could always ask Senate or People to prolong it and so authorize continuation beyond the customary maximum term: see, e.g., Liv. 45.15.9 for a tribunician veto of a motion on behalf of the censors of 168.

18 On the chronology, see Vervaet 2010: 82-83 (with n. 11).

beyond the expiry of their first *quinquennium* in December 38, the Triumvirs formally secured a second quinquennial term, covering the period up to and including 32. As the overall geopolitical constellation continuously changed and the Triumvirs faced new alleged or genuine crises and challenges, they regularly redefined their precise tasks, represented as conditions *sine qua non* for the achievement of their overall mandate to 'reconstitute the Republic'. In September 36, Young Caesar single-handedly deposed his hapless colleague Lepidus from his Triumvirate, Senate and People duly confirming his edict soon after in Rome. In January 32, Antonius, too, first suffered formal abrogation by *SPQR* before perishing in Alexandria in August 30 following the defeats of his forces at Actium and in Egypt. Not before 13 January 27, after mature deliberations and a closely stage-managed return to political normality,[19] would *Imperator Caesar Divi filius*, as he was then wont to style himself, theatrically abdicate his Triumvirate in the Senate in Rome. The Triumviral era thus really spanned a little over fifteen years and as such bridges almost the entire period between, on the one hand, the late Republic and the age of Caesar, and, on the other, the Augustan new order. There are a number of reasons for the ongoing confusion and scholarly disagreement about the precise *termini* of the Triumviral era. First, the critical distinction between the nature and the *modus terminandi* of the terms of the magistracies ad *tempus certum* and those *ad incertum* continues to be widely ignored. Second, there is the equally poorly understood fact that already during his Triumviral tenure, Octavianus went to considerable lengths to obfuscate his recurrent and prolonged continuations, the first one well into 37 and the second one throughout all of 31, 30, 29 and 28. Especially following his victories at Actium and Alexandria, these had become politically contentious and embarrassing. His strategy to do so was twofold. First, he decided to regularize his track record by representing his Triumvirate and its two successive *quinquennia* in the fashion of a magistracy *ad tempus certum*. In his *Res Gestae*, he makes the well-known claim to have held the Triumvirate *per continuos annos decem*, a towering economy of truth echoed in Suetonius in *Aug.* 27.1: *triumuiratum rei p. constituendae per decem annos administrauit.*[20] As this

19 See also n. 61 *infra*.

20 Wardle 2014: 204 is adamant that "what Suetonius legitimately presents here is the ten years that were composed of two *quinquennia* officially voted as maximum terms of extraordinary *imperium*." In my view, however, this is exactly what Augustus himself aimed to convey by virtue of his representation in his *Res Gestae*, a sanitized and streamlined economy of truth reproduced in Suetonius.

period perfectly corresponds with the Triumvirs' two official *tempora* and since the *Fasti Consulares Capitolini* list M. Aemilius Lepidus, M. Antonius and Imperator Caesar respectively as *triumuiri II* for the year 37,[21] there is every reason to believe that Augustus had the second Triumviral *tempus* follow directly on the first one, i.e., running from 1 January 37 to 31 December 33.[22] Since the Triumvirs only precede the consuls for 37, and not for 43 and 36, where the preserved entries only list the (eponymous and suffect) consuls, it is most likely that Augustus had the Triumvirs only precede the consuls in 42 and 37.[23] The clever artifice of representing both Triumviral *quinquennia* as the five-year equivalents of the consular *tempus* allowed Augustus to tidy up somewhat the overall picture of the Triumviral era, troubled and blood-stained enough as it was.[24] The origins of this policy of concealment can be traced back all the way to 37, when Caesar Octavianus and, possibly after his example, Lepidus, had already deliberately misrepresented the belated five-year extension of the official Triumviral *tempus* as *iteratio* on their coinage and

21 Degrassi, *Inscr. It.* 13.1, 58-59.

22 Since Dio Cassius records in 50.3.1-3 that Antonius' divorce of Octavia was one of the reasons for M. Titius (cos.suff. 31) and L. Munatius Plancus (cos. 42) to defect to Octavianus early in 32, it is clear that Livy's *epitomator* (Liv. *Per.* 132, cf. *supra*) believes the second *tempus* to have lapsed on 31 December 33. Apart from the fact that this suggests that Livy's account of this period paid lip service to Augustus' representation of history and his official line on the duration of the Triumvirate, this also indicates that, *post factum*, Augustus has indeed made the second *quinquennium* follow immediately upon the first one. See Beard 2007: 303-304 for a striking example of how Augustus' triumphal history, too, may have been cleaned up in the *Fasti Barberiniani*.

23 Compare Brunt – Moore 1970: 48: "Now the names of the Triumvirs stand at the head of the entry for 37 and not for 36. The most natural explanation is that they were recorded only for the year in which the second term was retrospectively deemed to have begun. In that case the second term ended in Dec. 33."

24 Gabba 1970: 12-13 had already argued that the official claim in the *Res Gestae* and the *Fasti Consulares* of Augustus having been Triumvir for ten consecutive years was meant to obscure "la situazione illegale del 37", and that he resorted to other means to legitimate his omnipotent position for the now 'excluded' year 32. Gabba's assertion on p. 15 (a view shared by Badian 1991: 8 n. 8) that in 37, "durante alcuni mesi (…) i Triumviri tennero di fatto un potere illegale" is incorrect in that, *de iure*, the Triumvirs could continue as such until abdication, death or abrogation. One could, however, perfectly argue that they had violated customary procedure by their decision to stay on as Triumvirs well beyond the battles of Philippi, where they had largely achieved their extraordinary commission, something Lucius Antonius forcefully called to mind as he instigated an armed rebellion against Triumviral rule as consul in 41: see Vervaet 2010: 92-96 as well as Roddaz 1988, a compelling analysis that should feature prominently in every study of this era.

inscriptions.[25] Since, however, the Triumvirs had never ceased to hold office in the first place, there never occurred *iteratio*, only *continuatio*. In this respect, it is interesting to note that, unlike his opposite in Italy, M. Antonius never styled himself *triumuir iterum* on his coinage,[26] suggesting that he at least remained true to the real nature of the Triumviral *tempus* and saw the second quinquennial prolongation of 37 for what it was, viz. an official extension of the comminatory term of a magistracy first assumed in 43 rather than a formal renewal of the office on the analogy of, for example, a second consulship held in immediate succession to the first one.[27] Second, Octavianus also entirely ceased to style himself *triumuir II* as from January 31, following expiry of the second Triumviral *quinquennium*, *SPQR* being discreetly encouraged to follow his lead. Henceforth the emphasis was invariably placed on the unique name he had assumed from 38 at the latest, viz. *Imperator Caesar Diui filius*, on his successive consulships(-elect), and on his successive imperatorial salutations, regardless of the fact that he clung to his Triumvirate and its vast powers until his pompous abdication on 13 January 27.[28]

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25 For the fact that Octavianus had *ITER* inserted into his title of *IIIVIR RPC* on his coinage from 37, i.e., immediately after the edict or the subsequent ratification vote by the Comitia, see *RRC*, Nos 537 and 538. For Lepidus' emulating this example, see *ILLRP* II, 1276 = *AE* 1959, 77: *M · LEPIDO · IMP · / TERT · PONT · MAX · / III · VIR · R · P · C · BIS · COS · / ITER · PATRONO / EX · D · D.* The remarkable speed with which Octavianus had his title adjusted strongly suggests that he had been the prime mover behind the decision officially to add another five-year term. As regards his rationale for an official five-year extension, comp. also Grenade 1961, 29: "Le vote populaire qui dut entériner à la fin de 37 leur commune volonté et déterminer après coup la régularisation dont les Fastes au 1er janvier 37 portent la trace (*CIL* I², p. 28) révèle seulement qu'Octave aura voulu donner l'impression qu'il s'était toujours conduit (…) en fils docile de la vieille République toujours soucieux d'inscrire ses pouvoirs dans les formes légales, et de conférer à sa situation exceptionnelle la sanction d'un titre régulier."

26 *RRC*, Nos 539 and 541-545. See Dio Cass. 49.41.6 and 50.7.1-2. for the fact that Antonius both in 34 and 32 publicly declared he would give up his Triumvirate and restore to *SPQR* all their authority if certain conditions had been met: see Vervaet 2010: 111-113.

27 Compare also Mommsen's similar observation in 1887³: 2, 718. For Octavianus being perceived by contemporaries as more artful and deceitful than his rival M. Antonius, see App. *B Civ.* 5.135-136.

28 For a full discussion of all these issues, the wider question of the (*termini* of the) Triumviral *quinquennia* and the precise duration of the Triumvirate *r.p.c.*, see Vervaet 2010; comp. also Dalla Rosa 2015. That the Triumviral era did not really end before January 27 had already been suggested by, amongst others, Mommsen 1887³: 2, 718-720 and Coli 1953: 406 and 415. For a full discussion of Mommsen's highly interesting reflections on Caesar Octavianus' official position from 1 January 32 to 13 January 27, see Vervaet 2010: 114-116.

3. The *iura extraordinaria* of the Triumvirs

Thanks to Appian, we know that the Titian Law equipped the Triumvirate with consular *imperium* (*B Civ.* 4.2: ἴσον ἰσχύουσαν ὑπάτοις), like the Decemvirate *consulari imperio legibus scribundis* of 551/449, the original, quasi-historical prototype for their magistracy, but in contrast to Sulla. As *dictator legibus scribundis et rei publicae constituendae*, the latter had held a vastly enhanced *dictatorium imperium* from sometime early in November 82 until his theatrical abdication at the very outset of 79.[29] This conspicuous if logical distinction – as consul M. Antonius had after all carried a law abolishing the *dictatura* for once and for all[30] – was largely nominal, as the extant evidence suggests that the Triumvirs, too, were endowed with a probably even more extensive battery of special prerogatives. A concise survey of attested *iura extraordinaria* will be followed by a brief discussion of their overall statutory position in the Republic, especially vis-à-vis the regular (pro)magistrates of the People, who normally ran state affairs in accordance with the will of *SPQR*. Though this survey will unequivocally demonstrate the exceptional nature of the Triumvirate *r.p.c.*, it will also further confirm that it borrowed certain features from some of the traditional non-annual magistracies, albeit in significantly modified and amplified form.[31]

Coli (413 and 415) rightly explains that whereas the Triumvirate *r.p.c.* and Sulla's dictatorship both belonged to the category of magistracies that could only cease to exist by virtue of abdication, the latter office simply lacked a fixed, comminatory term for completion of its specific task. For a full discussion of Sulla's dictatorial *tempus* and its historical ramifications, see Vervaet 2018. For an argument that Dio Cassius represents a summary of Octavianus' historical Triumviral abdication speech, see Vervaet 2010: 122-129. Bringmann 1988: 22-38, reasserts the view that the Triumviral *quinquennia* were legally binding and that the Triumvirate inevitably lapsed on 31 December 33. Bringmann's view is followed by, amongst others, Girardet 1990: 325 ("Enddatum…strikt rechtsverbindlich") and 1995: 149 with n. 15.

29 For the *termini* of the Decemvirs and Sulla, see Broughton *MRR* 1, 45-48 and Vervaet 2018. For a full discussion of Sulla's empowerment under the Valerian Law of November 82, see Vervaet 2004. In addition to the *consulare imperium*, the other two *genera imperii* were the *praetorium imperium* (see, e.g., Cic. *Pis.* 38; *Verr.* 2.5.40 and *Div.* 1.68) and the *dictatorium imperium* (Liv. 22.34.2: *dictatorio imperio*) – *contra* Sordi 1993: 85, who believes the dictators too held *consulare imperium*.

30 Cic. *Phil.* 1.3; 2.91; Liv. *Per.* 116; App. *B Civ.* 3.25; Dio Cass. 44.51.2.

31 De Martino 1993 (esp. 73) ignores quite a few Triumviral *iura*, mentions a few in passing (e.g. on p. 71), and mostly focuses on "il potere di proscrizione" (72-74) and the Triumviral discretion to mint coins (77-78, where he rightly observes that the final stage of Caesar's dictatorship represents the only precedent, comp. also Vervaet 2014: 230 and 234).

Just like the Decemvirs and Sulla before them, the Triumvirs were, first and foremost, legally empowered to issue edicts with the force of law, a formidable and discretionary prerogative on record in, for example, Dio Cass. 46.55.3 (ὥστε τά τε ἄλλα πάντα, κἂν μηδὲν ὑπὲρ αὐτῶν μήτε τῷ δήμῳ μήτε τῇ βουλῇ κοινώσωσι, διοικεῖν: "that they should manage all public business, whether or not they made any communication about it to the People and the Senate"); 47.15.3; 47.18.3; 48.3.2; 48.37.1 (comp. 46.2); 49.16.1; and App. *B Civ.* 5.22 (each of the Triumvirs had absolute power over the affairs committed to him and ratified one another's acts) and 67.[32] Although we only know of three extraordinary magistracies legally empowered to make laws applying to the entire *populus Romanus* in their own right,[33] it is well worth calling to mind that this legislative prerogative was regularly held by the

32 For the Decemvirs as well as Sulla being invested with the statutory power to issue edicts with the force of law, see Vervaet 2004 (42 and 69 with n. 124 on the Decemvirs and esp. 41-44 on Sulla) – *contra* De Martino 1993: 74, who seems to question whether the Triumvirs had the power to issue laws in their own right. In contrast to the Decemvirs and Sulla, however, the Triumvirs' full title did lack *legibus scribundis*. Apart from the fact that this should probably be explained as a tokenistic attempt at differentiation from Sulla, since many of his laws had been much reviled in *popularis* circles, one should also call to mind that he arrogated his constitutive dictatorship *after* his civil war victory, with the intent to use it to force through a comprehensive legislative program aimed at 'restoring/constituting' the battered Republic, whereas the Triumvirs took up their office with the main aim of eradicating and waging civil war against the opposing, allegedly 'tyrannical', faction, so as to 'restore' a critically endangered Republic. Nonetheless, their 'constitutive/legislative' discretion certainly gave the Triumvirs the option to force through any changes as they would see fit following their victory. Although De Martino 1993: 74 is right to observe that the Triumviral era saw relatively little legislation, with almost half of attested laws passed in 42, he errs when asserting (p. 82) that, unlike the dictatorships of Sulla and Caesar, "il nuovo organo non fu mai una magistratura costituente". In their notorious proscription edict, the Triumvirs expressly likened their constitutive powers to those held before by Sulla, whom they conspicuously refused to mention by name: App. *B Civ.* 4.10. For the fact that Caesar's dictatorships were never *rei publicae causa*, see Vervaet 2014: 223-239. That Octavianus and his close partisans only forced through a great number of consequential laws *after* his abdication of his Triumvirate on 13 January 27, so creating a *nouus status* (Suet. *Aug.* 28.2), should not entirely come across as paradoxical: as Rich 2012 has cogently argued, his so-called Principate in key respects simply continued, and rendered permanent, emergency rule, so further substantiating Millar's 1973 thesis of continuity between the Triumviral and Augustan periods.

33 Although Caesar accumulated many special prerogatives during his successive dictatorships – see Jehne 1987 (part II of this excellent study providing the fullest available discussion of "Caesars institutionelle Stellung") and Vervaet 2014: 223-239 – there is no evidence he emulated Sulla's arrogation of dictatorial law-making powers.

special magisterial colleges – usually triumvirates – for the establishment of colonies or colonists (*coloniae deducendae* or *colonis deducendis*). That much is clear from the so-called Annius Inscription, which records the activities of T. Annius Luscus, elected *triumuir colonis deducendis* in 169 (Liv. 43.17.1): *T(itus) Annius T(iti) f(ilius) tri(um)uir / is hance aedem / faciundam dedit / dedicauitque, legesq(ue) / composiuit deditque / senatum ter co(o)ptauit.*[34] The legislative powers of the colonial commissions, however, applied only to the colony/ies or colonists defined in the constitutive colonial laws and would not have been discretionary, as the colonial constitutions probably followed an – in all likelihood increasingly tralatician – blueprint.[35] The Annius inscription furthermore reveals another striking similarity, as the Triumvirs *r.p.c.* were similarly endowed with the *ius senatus legendi* (see, e.g. Dio Cass. 48.34.4). In stark contrast to the colonial magisterial boards, however, this Triumviral prerogative was applicable to the entire *ciuitas Romana* and the composition of the Senate of Rome, much on the model of Sulla's dictatorial empowerment.[36] A third and final prerogative shared with the colonial magistracies is – if, of course, yet again in massively enhanced and discretionary fashion – the Triumvirs' power to establish new colonies and/or settle new colonists, attested in, e.g., App. *B Civ.* 4.3 and 5.43 (comp. Dio Cass. 47.14.4 and 48.6.2) – the ruthless use of which infamously sparked the so-called Perusine War in 41/40. These Triumviral prerogatives thus amount to the enhanced domestication of technology traditionally used for the foundation and settlement of colonies and colonists.[37] What follows here should, however, make it quite clear that the *potestas triumuiralis* also represented the formal instrumentalization and

34 *AE* (1996) 685 = *AE* (2003) 678: "Titus Annius, son of Titus, triumvir. He had this temple constructed and dedicated it; he composed and handed down laws; he selected the senate three times." For a fuller discussion of this valuable if somewhat tantalizing inscription, see Hillard – Beness 2015: 148-153.

35 The statute laws drafted and issued by the colonial magistracies are not to be confused with the so-called *leges prouinciae*. These really were – often largely tralatician – edicts issued by imperators in the field, mostly as per the guidance and instructions of senatorial commissions of *legati cum auctoritate*, that were subsequently ratified by the Senate and, if need be, the People: see Hoyos 1973.

36 For the likelihood of Sulla being invested with (key components of the) *potestas censoria*, see Vervaet 2004: 47, with further discussion in n. 34-35.

37 A qualification of the view of Clifford Ando (*per litteras*, in the run-up to the conference), who suggests these triumviral prerogatives amount "to the domestication of a technology first developed for the governance of aliens." In my view, the Triumvirs are not to be considered the equivalent of the *praefecti* or *correctores* in charge of peregrine communities.

statutory legitimation of the rationale, methods and practical consequences of the so-called *senatus consultum ultimum*, which typically gave the consuls and any other officials loyal to the Senate *carte blanche* 'to ensure the Republic suffers no harm'.[38]

Yet again like Sulla and the Decemvirs before them – though notably unlike Caesar – the Triumvirate was established as a magistracy *sine prouocatione*, as attested in, e.g., App. *B Civ.* 4.5 and (esp.) 10 and Dio Cass. 46.56.1. Consequently, each of the Triumvirs was equipped with an unrestrained *ius uitae necisque* over every Roman citizen, soldiers and civilians alike, an empowerment providing the legal foundation for the second and biggest official proscription in Roman history.[39] As such, they would have been authorized to have their lictors carry their bundles of *fasces* complete with the axes (*secures*) wherever they went and regardless of whether they were exercising their authority *domi* or *militiae*. Given the particularly odious nature of this prerogative, it should come as no surprise that the Titian Law also authorized the Triumvirs to retain an armed guard, as recorded by Appian in *B Civ.* 5.21 (διὰ τὴν ἀρχὴν; comp. also Dio Cass. 50.3.5).[40]

In perfect keeping with Roman legalistic scruples, there is every indication that the Titian Law contained a great many clauses outlining additional *iura extraordinaria* – once again much on the model of the Valerian Law.[41] The

38 For an example of an *s.c. ne quid res publica detrimenti capiat*: Sall. *Cat.* 29 (63) and Caesar *B Civ.* 1.5. For an excellent recent discussion of the *s.c.u.* within a wider argument on crisis and constitutionalism in late republican Roman political thought, see Straumann 2016, 88-100.

39 That Sulla reportedly was the first to have his lictors precede him with both *fasces* and *secures* (Liv. *Per.* 89; App. *B Civ.* 1.100), symbolizing his unrestricted *ius uitae necisque* (see De Sanctis 1929: 5; Vervaet 2004: 54-56) indicates that his ominous example was later imitated.

40 On the model of the Valerian Law: see Vervaet 2004: 54 and 61. As Appian recounts in *B Civ.* 4.7 that Octavianus, Antonius and Lepidus in 43 entered Rome with their respective praetorian cohorts and one legion each, it is clear that the *lex Titia* merely legalized a *fait accompli*. In 53.11.5, Dio Cassius tells us that the allocation of a guard with twice the pay of the regular troops was one of the first measures passed by the Senate on 13 January 27 in the immediate aftermath of Octavianus' Triumviral abdication speech (comp. n. 28 supra), and observes that this very measure showed "how sincere had been his desire to lay down the monarchy". Tellingly, Liv. 24.5.3-4 singles out the keeping of an armed guard (along with purple garb, diadem and the occasional appearance in a chariot with four white horses) as one of the odious trappings of despotic kingship (*in casu* Hieronymus of Syracuse, 215) – comp. also the observations on Livy's representation of Decemviral/Triumviral rule in Rome *infra*.

41 Comp. the observations on this matter in Vervaet 2004: 69-84 (esp. 75-76).

most prominent of these no doubt were their prerogatives to divide up the provinces (by virtue of mutual agreement or *sortitio*) and assign the (pro) magistracies/provinces and the other *honores* as they saw fit: see, for example, Dio Cass. 46.55.3-5 (comp. App. *B Civ.* 4.2; 4.53); 47.15.1-3; 47.19.4; 48.1.3-2.1 (comp. 48.22.1-2 and App. *B Civ.* 5.3, 12, 26 and 53); 48.28.4 (comp. App. *B Civ.* 5.65 and Plut. *Ant*. 30.4); 48.32.1-3; 48.35.1-2 and 36.4-5 (comp. App. *B Civ.* 5.73)[42]; 48.39.2-3 (comp. Plut. *Ant*. 33.1); 48.43.2-3 and 53.1-2; 49.22.3; 49.43.7 and 44.3; 50.1.3-4 (comp. Plut. *Ant*. 55); 52.42.4; App. *B Civ.* 5.14 (comp. Dio Cass. 47.14.4 and 48.6.2); 5.51, 54 and 60-61; 5.63; 5.75; 5.123; 5.128-129; 5.132 and 134; 5.137, 139 and 144.; Plut. *Ant*. 61.3.[43] Corollaries of the power to assign the provinces *nominatim* and without any recourse to *SPQR* were what could for convenience's sake be termed the *ius belli alicui inferendi et pacis faciendi*, the right to declare war on, or make treaties with, any foreign political entity (see, e.g., Dio Cass. 48.2.4; App. *B Civ.* 5.73, comp. Dio Cass. 48.37.1; 49.36-38.1),[44] as well as the power to levy troops and deploy these as they saw fit (e.g. App. *B Civ.* 5.135). For good measure, the Triumvirs were also invested with discretionary power over all public finances and taxation, enabling them to impose taxes on whomever they wished as dictated by circumstances: see, e.g., Dio Cass. 47.16.2-5 (comp. Plut. *Ant*. 21.3); 48.2.2 (comp. 48.30.2; App. *B Civ.* 5.3, 5-7 and 10; Plut. *Ant*. 23.1 and 24); 48.9.5; 48.31.1; 48.34.2-

42 On this aspect, see also Pina Polo in this volume. By virtue of the short-lived treaty of Puteoli of 39, the Triumvirs designated the magistracies for the years 36 up to and including 33, an arrangement subsequently modified at Tarentum in 37 (Dio Cass. 48.54.6: amongst other things, Sextus Pompeius was stripped of the consulship he was to hold in 35): see Vervaet 2010: 84-87 and 96-97. *Contra* Welch 2012: 243-244, who prefers Ferrero's reconstruction (1907, 3.359-360) but entirely disregards Appian's valuable notes (*B Civ.* 5.72) that Sextus Pompeius was granted the privilege to hold his consulship *in absentia*, "through any friend he might choose", and that he "should govern Sardinia, Sicily, and Corsica, and any other islands in his possession, as long as Antonius and Caesar should hold sway over the other countries". This clause would have been pointless if Sextus had been assigned one of the consulships of 33, i.e., following the expiry of his quinquennial naval command in December 34. The consulships for 38 and 37 had probably been designated either in the summer of 42 or in the autumn of 40: Vervaet, op. cit. n. 19.

43 The extant evidence suggests that Sulla had refrained from arrogating these particular powers as he communicated his wishes for his unorthodox dictatorship with the Senate in November 82: see Vervaet 2004: esp. 39-40 and 47-49.

44 As correctly observed by Roddaz 1996: 93. In this respect, it is also well worth calling to mind the notorious 'Donations of Alexandria' of 34 (Dio Cass. 49.41 and Plut. *Ant*. 54.3-4). For this prerogative, compare also A. Raggi's excellent discussion in this volume.

4; 48.24.1 (comp. App. *B Civ.* 5.3); 48.49.1 (comp. App. *B Civ.* 5.67); 49.15.3; 50.2.2; App. *B Civ.* 4.5 and 32-34; 4.96; 5.129-130; see, finally, also Dio Cass. 50.6.2; 50.10.4-5 (comp. 20.3 and Plut. *Ant*. 58.1-2).[45]

Before taking a closer look at the overall position of the Triumvirs vis-à-vis the traditional Roman political bodies and especially *SPQR* and the (pro) magistracies *cum imperio*, it is important to recognize that these sweeping and, for that matter, plainly 'unrepublican', powers did not mean that the Triumvirs did not care to involve – or, perhaps more suitable, implicate – *SPQR* in their autocratic and often contentious decision-making. Quite to the contrary, as cogently argued by both Laffi and Pina Polo, there are ample indications of *SPQR* and most of the regular magistrates of the Roman People and the *plebs* continuing to perform many of their usual functions under Triumviral rule.[46] The Triumvirs were clearly keen on creating a façade of *consensus* as well as to lend maximum legitimacy to their discretionary measures, regardless of their intrinsic legality by virtue of the *lex Titia*. Like Sulla before them, they doubtlessly also hoped to make it very difficult to unravel or rescind their policies and measures.[47] These concerns with legitimacy and legality perfectly explain why in January 39, the Senate had to ratify all Triumviral acts from the time of the institution of the Triumvirate in November 43: Dio Cass. 48.34.1. After the treaty of Puteoli, M. Antonius accompanied Octavianus to Rome and had the Senate vote to ratify "all that he had done or should do" (ὅσα ἔπραξέ τε καὶ πράξει) before he departed to assume his Parthian command: App. *B Civ*. 5.75.[48] For these ritual ratifications, which would also become a feature of the Augustan monarchy, see also, e.g.,

45 For allusions to these extraordinary powers, see also Young Caesar's Triumviral abdication speech and Tiberius' eulogy of the late Augustus, which abound with references to his control over 'the armies', 'the provinces', 'the money' and 'the laws': see, e.g., Dio Cass. 53.4.3-4, 5.4, 9.6 and 56.39.4. Most of these prerogatives had already been accumulated by Caesar the dictator by virtue of successive votes by *SPQR* in the wake of his civil war victories; see most recently Vervaet 2014: 223-238.

46 Laffi 1993: 37-59 and Pina Polo in this volume. For the notable want of *aediles* in this period, see Broughton *MRR* 2, 334-428.

47 On Sulla's implication of *SPQR* in his legislative program of – often reactionary – reform, see Vervaet 2004: 49-51.

48 Comp. also Dio Cass. 48.33.1-3 for the *s.c.u.* following Octavianus' execution of his erstwhile close ally Q. Salvidienus Rufus (*cos. design*. 39) being tantamount to a *post factum* ratification, and 49.41.4 for Antonius' botched attempt to have the sweeping arrangements of so-called Donations of Alexandria ratified by Senate and People in Rome (in the autumn of 34).

Dio Cass. 49.14.4; 49.41.4 and 51.20.1.[49] In this important respect, too, the Triumvirate closely resembled Sulla's dictatorship and method of government, much hinged on the (re-)establishment of *pax* and *concordia*.[50]

As regards their overall position in the Republic, the evidence strongly suggests that the Triumvirs were invested with the high command, the *summum imperium auspiciumque*, in all matters of state, a reality perhaps most clearly expressed in Dio Cass. 50.25.2 (τὴν προστασίαν τῶν κοινῶν) and, esp., Seneca *Cons. ad. Pol.* 16.1:

> *M. Antonius (…) cum rem publicam constitueret et triumuirali potestate praeditus nihil supra se uideret, exceptis uero duobus collegis omnia infra se cerneret.*
>
> M. Antonius (…) at the time when he was setting the Republic in order, and when, invested with Triumviral power, he beheld no man above him – nay, with the exception of his two colleagues, saw all men beneath him.

That the Triumvirs eclipsed the consuls as Rome's highest magisterial college is also on record in the *Fasti Consulares*, which markedly lists all three of them before the ordinary consuls of the year 37, M. Vipsanius Agrippa and L. Caninius Gallus.[51] This can also be inferred from Dio Cassius' most valuable

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49 See, e.g., Dio Cass. 53.28.1 for the Senate taking oaths on 1 January 24 confirming Augustus' acts. For the fact that the Valerian law notoriously ratified all Sulla had done since January 88 and all he was to do (in his capacity of dictator) thereafter, see Vervaet 2004: 43-44. The sources offer further examples of *SPQR* ratifying Triumviral measures. Although Appian in *B Civ.* 5.95 recounts that the Triumvirs granted themselves another five-year term in 37, he confirms in *Illyr.* 28, where he probably draws on Livy (comp. Vervaet 2010: 87), that they had the popular assembly ratify this measure, too. There also is good evidence suggesting that Octavianus had *SPQR* ratify his deposition of Lepidus: Vervaet 2010: 105 n. 78. Dio Cassius' note in 48.36.4-5 that it was agreed at Puteoli that "Sextus himself should be chosen consul and appointed augur" (αὐτὸν δὲ τὸν Σέξτον ὕπατόν τε αἱρεθῆναι καὶ οἰωνιστὴν ἀποδειχθῆναι) suggests that Triumviral appointments of eponymous consuls continued to be 'ratified' by the *comitia centuriata*, probably until 36 under the presidency of one of the present Triumvirs and thereafter perhaps one of the consuls (cf. *infra* on Octavianus' relaxation of Triumviral rule following Naulochus), in sharp contrast to the numerous *suffecti*, who received/took office without any involvement of the People (see Pina Polo 2018 and in this volume).

50 Sumi 2002 compellingly argues that Sulla forged his own self-representation out of three personal virtues, viz. *felicitas*, *salus rerum* and *concordia* (this last virtue discussed on pp. 425-428). As Sumi (428-431) argues, "the three personal virtues which formed the building blocks of Sulla's public image — *felicitas*, *salus* and *concordia* — also comprised the iconography of *pax*", probably one of the foremost symbols of his regime.

51 Degrassi, *Inscr. It.* 13.1, 58-59. As Lepidus figures first, then M. Antonius and finally Imperator Caesar Divi f., Mommsen 1887^3: 2, 707 n. 3 rightly observes that this order "ist

observation (in 53.1.1) that Young Caesar in January/February of 28 restored the consular (*turnus* of the) *fasces*, when he held this office (for the sixth time) with M. Vipsanius Agrippa (for the second) as his colleague, suggesting that the consuls had been deprived of their *fasces* for some fourteen years altogether. Under the Republic, the consular *turnus* of the *fasces* had strikingly symbolized the alternation of the *summum imperium auspiciumque*, and this both *domi* and, in a far more imperative way, *militiae*.[52] This Triumviral supremacy over the magisterial hierarchy perfectly explains why they had the right to sit between the consuls in the Senate, as attested in Dio Cass. 50.2.5[53], and why, like, for example, the military tribunes *consulari potestate* and the Decemvirs before them, they also held the prior right of bringing matters before the Senate, the so-called *ius potissimum senatus consulendi*, by virtue of an exceptional privilege (*extraordinario iure*), as recorded in Aul. Gell. 14.7.5.[54] The actions and words of the (pro)consul L. Antonius (*cos*. 41) corroborate that the Titian Law had temporarily suspended or reduced certain prerogatives

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bestimmt durch das consularische Alter". In the *Fasti Colotiani*, which record the names of the consuls from 45 up to and including 40 and then again from 23 up to and including 12 (Degrassi, *Inscr. It.* 13.1, 273-274), Lepidus, Antonius and Imp. Caesar are again listed in that order as *IIIuir(i) r(ei) p(ublicae) c(onstituendae)*. Interestingly enough, these *Fasti* list the Triumvirs after the (ordinary and suffect) consuls of 43, probably to list them only once again after the consuls of 37, when the second Triumviral *quinquennium* was granted. In the *Fasti Consulares*, however, the Triumvirs only precede the consuls for 37, and not for 43 and 36, where the preserved entries only list the (eponymous and suffect) consuls. It is, therefore, most likely that Augustus in his *Fasti* had the Triumvirs only precede the consuls in 42 and 37, i.e., at the outset of the two Triumviral *quinquennia* as represented in his preferred version of history.

52 See Vervaet 2014: Chapter 2.

53 It should not be doubted that Sulla and Caesar had equally enjoyed this privilege as dictators and, therefore, holders of the *summum imperium auspiciumque*. In 19, this remarkable privilege was again conferred upon the proconsul Augustus as he was invested with the lifelong (consular) *summum imperium auspiciumque* in Rome and Italy: see Dio Cass. 54.10.5, with full discussion of this measure and its historical significance in Vervaet 2014, 265-275.

54 This surely must be the correct interpretation of Aul. Gell. 14.7.4-5, where Gellius quotes from Varro's lost handbook on the method of conducting meetings of the Senate with regard to the matter of what magistrates had the right of passing decrees in the Senate and who took precedence when more than one of the magistracies with the *ius habendi senatus* were present in Rome. That Varro lists the Triumvirs with two other irregular magistracies with consular *imperium* further confirms Appian's testimony as to the Triumviral *genus imperii*. Furthermore, this prerogative is also indicative of their concern to work with and through the Senate whenever possible or politically expedient.

of the consuls and the other magistracies of the People and the *plebs*.[55] In 41, he demanded that "the consuls should exercise their office in the ancestral manner and not be hindered by the Triumvirs": τοὺς μὲν ὑπάτους τὰ πάτρια διοικεῖν μὴ κωλυομένους ὑπὸ τῶν τριῶν ἀνδρῶν.[56] In 40, in his capitulation address, the now proconsul amongst other things reminded Octavianus of his demand "that the magistracies should be revived in accordance with the *patrius mos*": ἀνακῦψαι τὰς ἀρχὰς ἐπὶ τὰ πάτρια ἠξίουν. Antonius' emphatic statement in the same speech that he had decided to march against Rome as "a Roman citizen, a noble and a consul" (πολίτης τε ὢν καὶ γνώριμος καὶ ὕπατος) plainly shows that the restoration of consular supremacy in the Republic was the primary aspect of the desirable yet still unattainable restitution of the magistracies and the traditional political order.[57] As is obvious from, for example, the *lex Munatia Aemilia* of 42, the consuls (and all other magistrates) were nonetheless still perfectly capable of exercising most of their official prerogatives.[58] By virtue of the *lex Titia*, they simply had been made temporarily subordinate to the Triumvirs' authority and could therefore only act with Triumviral approval, certainly not against it.[59] Significantly, Livy's (and

55 The significant *de iure* devaluation of the consulship under the Triumvirs was compounded by their policy to nominate an unprecedented number of suffect consuls. On this particular aspect, see Pina Polo 2018, who demonstrates that the Triumvirs brazenly and amply used the suffect consulship as a means of rewarding loyalty. Pina Polo cogently argues that many of the Triumviral suffect consuls were *homines noui* belonging to previously unknown or insignificant Roman or Italian families, and that the policy of increasing the number of consuls each year *de facto* eliminated the traditional annuality of the office, so further reducing its prestige. The combined analyses in Vervaet 2014: 239-252 and Pina Polo op. cit. thus allow for the conclusion that the authority and prestige of the consulship suffered a major blow in the Triumviral era.

56 App. *B Civ.* 5.20.

57 App. *B Civ.* 5.43. Roddaz 1988: 317-346 (esp. 334-343) brilliantly and conclusively demonstrates that Lucius' policy in 41/40 "ne constitue pas un épisode de la lutte entre les triumvirs, même si, à ses côtés, les initiatives de Fulvie et de Manius se situent dans cette perspective, mais bien un ultime sursaut pour rétablir la République." (quote from p. 344).

58 See Laffi 1993: 37-59 (esp. 47-48) and Pina Polo in this volume for the fact that under the Triumvirs, the curule and plebeian magistrates continued to discharge their functions, while *SPQR* continued to vote *s.c.* and laws respectively. Comp. also, e.g., Dio Cass. 48.4.1 and 33.5; and Bleicken 1990: 49-50. For a good discussion of the *lex Munatia Aemilia*, see Raggi 2006: 85-94.

59 In this respect, it is important to emphasize that the consular *imperium* of the Triumvirs was not legally *maius quam* that of the (pro)consuls: they were merely invested with the *summum imperium auspiciumque* in the Republic (*contra*, e.g., De Martino 1993: 71). Though likewise invested with the universal *summum imperium auspiciumque* in

Dionysius') narrative on the actions of the Decemvirs in 450, doubtlessly to be construed as strident criticism of the Triumvirate, strongly suggests that the Triumvirs agreed between themselves to desist from any alternation of their *fasces* in Rome. Instead, they had their lictors continuously carry both rods and axes and agreed not to interfere with each other's decisions, so suspending their mutual *ius intercessionis* and further worsening the plight of the hapless victims of their relentless proscriptions.[60] At any rate, by reinstating the consular (*turnus* of the) *fasces* in January/February 28, Octavianus publicly affirmed his wish to govern the Republic in his capacity of consul with M. Agrippa as this momentous act officially restored the consuls' traditional role as leading magistrates of the Roman Republic.[61] In this respect, it is well worth mentioning that he had already taken the first steps on the road to political normality in the immediate aftermath of Sextus Pompeius' decisive defeat off Naulochus (3 September 36), as Appian records in *B Civ*. 5.132 that, amongst a raft of other measures and proclamations, he "allowed the annual magistrates to administer public affairs in many respects in accordance with ancestral custom": πολλὰ τῆς πολιτείας ἐφίει τοῖς ἐτησίοις ἄρχουσι διοικεῖν κατὰ τὰ πάτρια. This suggests that

November 82 and the early spring of 45 respectively, both Sulla and Caesar as dictator held *imperium maius quam* vis-à-vis all other *imperatores*: see Vervaet 2004 (esp. 56-58) and 2014: 229-239. Unlike Sulla and the Triumvirs but much like Caesar (shortly after Munda), Augustus in January 27 secured the *summum imperium auspiciumque in alienis prouinciis*, in what technically were provinces assigned to and administered by other imperators. When this (temporary if continuously renewed) prerogative was complemented in 19 by a grant of lifelong *summum imperium auspiciumque* in Rome and Italy, Augustus had – *mutatis mutandis* – regained the position he had enjoyed as Triumvir vis-à-vis the (pro)consuls from November 43 to 13 January 27, see: Vervaet 2004: 56-58 and 2014: 215, 223-239 and 253-292. For a concrete example of a direct Triumviral order to the consuls, see App. *B Civ.* 4.35, where it is recorded that at the turn of 43/42, the Triumvirs were obliged to issue an edict ordering one of the consuls, C. Carrinas and P. Ventidius Bassus (cf. *B Civ.* 4.2 and 6 for the fact that, by the time of this edict, Caesar Octavianus had abdicated his first consulship whereas Q. Pedius had died of exhaustion), to restrain those killing and despoiling prominent citizens who had not been proscribed.

60 See esp. Liv. 3.33.8 and 36, and Dion. Hal. 10.57.1-2. and 59.2-4, with full discussion in Vervaet 2014: 36-39 (comp. 244). It follows that the Titian Law had not mandated Triumviral *turnus* of the *fasces* in Rome. For Livy's strong hostility vis-à-vis magistracies *in quinquennium* and *sine prouocatione*, see respectively Liv. 4.24.3-7 and 3.55.5-6 (comp. also Cic. *Rep*. 2.54).

61 Comp. also Marshall 1984: 132 and Roddaz 2003: 401. For fuller discussions of the so-called *restitutio leges et iura Populi Romani*, see Rich – Williams 1999, Mantovani 2008, Vervaet 2010: 135-139 and Cowan 2019. For an analysis of how Young Caesar's 'return to normalcy' in 30/27 closely mirrored Sulla's in 81/79, see Vervaet 2018: 69-73.

Young Caesar decided to cease exercising some of his overriding Triumviral prerogatives in certain spheres of the civil administration, so at least in part honouring the demands made by L. Antonius some five years before.

When considering the official position of the Triumvirs in the wider Roman world, it is important to point out that, regardless of their plenipotentiary powers, the Triumvirate *r.p.c* had all the features of a genuine college of magistrates who ruled *pari imperio paribus auspiciis*.[62] As such, they were equally entitled to exercise their magisterial prerogatives in Italy and the provinces. The sources indeed unambiguously record that, very much on the model of the consuls, the Triumvirs always considered Italy to be common ground as an area where they shared the *summum imperium auspiciumque* on a footing of equality: see, e.g., Dio Cass. 48.2.1 and App. *B Civ.* 5.65 (comp. 93). The sources also invariably suggest that the Triumvirs carried through their successive and well-known (re)partitions of the provinces of the Roman People mostly by virtue of mutual agreement or discretionary decisions rather than by means of sortition.[63] Young Caesar's unilateral decision to seize Lepidus' share of the provinces rather than dividing it with his remaining colleague was held against him as a violation of the provisions of the *lex Titia* by one of Sextus Pompeius' envoys to the latter in 36: App. *B Civ.* 5.134.[64]

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62 For the Triumvirs being defined as *co(n)(l)legae*, see, e.g., *ILS* 8393 (the so-called *Laudatio Turiae*) Pag. II, 23; and Suet. *Aug.* 96.1; comp. also Reynolds 1982: 101, l. 8 of Document 12 (Ἀντωνίῳ τε τῷ συνάρχοντι). For a firm rebuttal of the recurrent idea that the Triumvirate really was a special promagistracy endowed with some magisterial prerogatives such as the *ius habendi senatus*, see Vervaet 2014: 243 n. 104. For the Triumvirs ruling the *orbis Romanus* jointly, as an equally empowered/entitled magisterial college, see, e.g., Dio Cass. 50.1; comp. also 48.1.2. See Serv. *Aen*. 7.257 for the suitable expression *paribus auspiciis pari potestate.* Compare also Serv. *Aen*. 4.102-103 and Valerius Messalla in Aul. Gell. 13.15.4. Sordi 1993: 88, however, goes too far when asserting that the novelty of the Triumvirate "in effetti, è solo nella sua collegialità."

63 See *MRR* 2, 337 (43: initial partition); 358 (42: after Philippi); 371 (41: Africa transferred to Lepidus); 379 (40: after Brundisium); 396 (37: confirmation of the arrangement of Brundisium); and 400 (36: Lepidus' provinces taken by Octavianus). Appian indicates in his summary of the first Triumviral partition of the provinces in November 43 (*B Civ.* 4.3) that the lands across the Adriatic would be assigned after the war against Brutus and Cassius. This suggests that the Titian Law must have expressly invested the Triumvirs with the right to govern all the provinces of the Roman People as they saw fit. The result of Lepidus' deposition in 36 was that the two remaining Triumvirs each held the supreme command over roughly half of the Roman world, as Plutarch records in Plut. *Ant*. 61.3; comp. also Dio Cass. 50.6.4-5.

64 Comp. also Dio Cass. 50.1.3-4, where we are told that tensions flared up in the Senate in 33 as the Triumvirs accused one another of un-collegial behavior: "Antonius charged Caesar

The question as to precisely how the Triumviral college administered their respective and interchangeable clusters of provinces especially continues to be a matter of ongoing debate.[65] As every Triumvir could only be in Italy or in one of their provinces at a time, the principle of rule *in absentia*, first introduced on behalf of the consul Cn. Pompeius in 55,[66] now became standard practice. The extant source material suggests that each of the Triumvirs had two options to conduct the administration *in absentia* of their multi-provincial spheres of command. The first was direct rule through *legati pro praetore*, on the model of Pompeius' administration of Hispania from 55 to 48.[67] The second and, perhaps, prevalent option was indirect control through the republican practice of *prouinciae permixtae*. In *prouinciae permixtae*, the provincial command was shared by two or more imperators, either on a footing of equality or *impari imperio*.[68] Under the Titian Law, the *summum imperium auspiciumque* in the

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with having removed Lepidus from his office, and with having taken possession of his territory and of the troops of both him and Sextus, which ought to have been their common property; and he demanded half of these as well as the half of the soldiers that had been levied in the parts of Italy which belonged to both of them. Caesar's charge against Antonius was that he was holding Egypt and other countries without having drawn them by lot (…) he too demanded half of the spoils [of the Armenian war]." Comp. already 49.41.

65 Roddaz 1996: 91-93 cogently argues against the suggestion that "les triumvirs ne peuvent agir (...) dans leur province, que collectivement et que l'autorité de chacun s'exerce seulement sur ses propres troupes" (quote from p. 91-92). Roddaz correctly observes that "d'une manière générale et dans la pratique, chaque triumvir était seul autorisé à intervénir dans son domaine géographique (...) Les triumvirs disposent dans chacun de leur domaine du *ius belli et pacis*, mais aussi du droit de répartir et de gouverner leur domaine à leur guise" (quoted from p. 93). See also Díaz Fernández in this volume.

66 See Vervaet 2014: 222: by virtue of the *lex Trebonia* and the first such empowerment by statute law rather than *s.c.*

67 For some indisputable examples of provinces administered by *legati (pro praetore)* on behalf of the Triumvirs Lepidus and Octavianus, see App. *B Civ.* 4.3; 5.54; comp. also Dio Cass. 48.22.1 and App. *B Civ.* 5.26 (C. Fuficius Fango put in charge of Africa by Octavianus in 41 or 40); App. *B Civ.* 5.129 (Octavian sent *legati pro praetore* to Africa and Sicily after his deposition of Lepidus: στρατηγοὺς δ' ἀπέφαινε Λιβύης καὶ Σικελίας), and 5.132 (shortly thereafter, M. Antonius also "sent governors to take charge of his provinces in like manner as he [=Octavian] had done". For some other certain examples, see *MRR* 2, 389 (L. Sempronius Atratinus, *pr. suff.* 40?, *cos.* 34, epigraphically attested as Antonius' *legatus pro praetore* in Greece in 39); Vell. 2.79.4 and *MRR* 2, 404 (L. Cornificius, *cos.* 35, as *legatus* under Octavianus in Sicily in 36); Vell. 2.82.2-3 and *MRR* 2, 404-405. (Oppius Statianus as *legatus* under Antonius against the Parthians in 36); and *MRR* 2, 423 (?C. Plautius Rufus, epigraphically on record as *legatus pro praetore* to defend the cities of Sicily, probably during the Actium campaign).

68 See Liv. 27.35.10 for the use of this term to define geographically and operationally identical *prouinciae* held by two (or more) imperators. For the fact that the same *prouincia*

individual *prouinciae permixtae* would invariably belong to that Triumvir in charge of the sphere of authority comprising the provinces concerned. In other words: in every Triumviral zone of control, the respective proconsuls of the provinces concerned would operate under the *imperium* and the auspices of the Triumvir and as such were bound to obey their orders. This also means that the Triumvirs, as supreme commanders and holders of the prevailing auspices, were perfectly entitled to take full credit for any victories gained by their subordinate promagistrates. In addition to the fact that all proconsuls of this era were Triumviral appointees, this arrangement perfectly accounts for the fact that our sources often inaccurately style regular promagistrates as *legatus*, πρεσβευτής or ὑποστράτηγος, despite the fact that they held independent *imperium auspiciumque* of their own.[69] It also explains a number of attestations of how the Triumvirs did or did not allow victorious proconsuls to accept imperatorial salutations and celebrate full triumphs for feats they had achieved within their respective spheres of authority.[70] Regardless of the fact that all these proconsuls had operated and conquered under the auspices of one of the Triumvirs (i.e., *alienis auspiciis*), they

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could be simultaneously *consularis* and *praetoria* if assigned to both a consul and a praetor, see Willems 1883, 551 and Giovannini 1983: 66-72 and 109. Under the Triumvirs, a province could, therefore, be both *consularis/praetoria* and *triumuiralis* when assigned to a consular or praetorian governor and (assigned to or administered by) a Triumvir. As under the terms of the *lex Iulia* of 46/44 provinces assigned to consulars and praetorians continued to be defined as *consulares* and *praetoriae* (cf. Cic. *Phil*. 1.19; comp. Caes. *B Civ.* 1.6.5-6 and Cic. *Fam*. 8.8.8), the question whether the Triumviral provincial commanders with independent *imperium auspiciumque* had received their commands before or after the expiry of their magisterial tenure is irrelevant in this respect.

69 A powerful example is the case of M. Titius (*cos. suff.* 31), epigraphically recorded as *procos.,* | *praef. classis,* | *cos. desig., patrono* in *ILS* 891 (= *CIL* 3, 7160; an inscription set up by the city of Mytilene *honoris causa* in 35) but termed *legatus* in Liv. *Per*. 131 – comp. also *MRR* 2, 409. In this respect, it is well worth pointing out that in *Aug.* 20, Suetonius, too, indiscriminately defines all of Augustus' subordinate commanders as *legati*, even though many of the more serious wars of the Augustan age were most certainly conducted by proconsuls; compare also *Tib*. 37.4. All of this strongly suggests that the term *legatus* is often used in its non-technical sense of 'representative' or 'envoy' for subordinate military commanders in the Triumviral and early imperial eras, all of whom served and represented a higher master, regardless of whether or not they had held independent *imperium auspiciumque*. That the same is true even for Augustus' *Res Gestae* is clear from 4.2.

70 For a full discussion of a number of striking examples involving P. Ventidius Bassus (*cos. suff.* 43), Cn. Domitius Calvinus (*cos*. 53, *II* 40) and C. Carrinas (*cos. suff.* 43), see Vervaet 2014: 247-251. For the fact that the *Fasti Triumphales Capitolini* record an entire series of Triumviral appointees as having celebrated triumphs as proconsuls, see Vervaet 2014: 250 (with n. 124 for some further likely examples).

were by republican standards still perfectly entitled to imperatorial salutations, supplications and public triumphs as holders of independent *imperium* and auspices of their own (i.e., *propriis auspiciis*) who had conducted the actual *ductus* of the victorious army. As holder of the *summum imperium auspiciumque*, the Triumvir involved could, however, always decide to take joint or sole credit for victories won under his overarching auspices (i.e., *suis auspiciis*).[71]

4. Summary

The Triumvirate *r.p.c.* as established by the Titian Law in November 43 combined all the key features of the traditional republican magistracies *ad tempus incertum* with an impressive arsenal of extraordinary prerogatives (*iura extraordinaria*) and in many respects represents the collegial iteration of Sulla's *dictatura legibus scribundis et rei publicae constituendae*. Given the wide ambit of the Triumvirs' overriding powers in Rome, Italy and the provinces (*domi militiaeque*), Seneca the Younger's claim that they towered over the entire Roman world was no exaggeration whatsoever.

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71 Conversely, the Triumvirs could also generously allow their subordinate commanders (i.e., those holders of independent *imperium auspiciumque* operating under their auspices) to take exclusive credit for their victories. See Dio Cass. 48.49.3-4 and *MRR* 2, 393 for the fact that, as consul in 37, Agrippa (*pr.* 40) for political reasons declined to celebrate a public triumph voted to him at the behest of Octavianus on account of successes he had gained in Gaul and across the Rhine as (praetorian) proconsul in 38.

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THE FUNCTIONING OF THE REPUBLICAN INSTITUTIONS UNDER THE TRIUMVIRS

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I

In 28-27, shortly before he became Augustus, Octavian affirmed his intention to carry out the *restitutio rei publicae*. With this purpose in mind, he reintroduced a series of forgotten institutional procedures that could give the impression that normality and Republican legality had returned to Rome.

The ancient sources not only tell us that this restoration took place, but also provide some details about how it was implemented. In his *Res Gestae* Octavian himself states that the restoration took place during his sixth and seventh consulships, which he shared with Agrippa: *in consulatu sexto et septimo… rem publicam ex mea potestate in senatus populique Romani arbitrium transtuli* ("in my sixth and seventh consulships… I transferred the Republic from my own power to the will of the senate and the Roman people").[1] Tacitus confirms that Octavian, when he felt that his power was secure in his sixth consulate, abolished the (irregular) measures the Triumvirs had put in place and in their place established laws that made it possible to live in peace.[2]

* Project *The Triumviral period and the collapse of the Roman Republic (43-31 BC): institutional, social and economical transformation* (HAR2017-82383. Ministerio de Ciencia, Innovación y Universidades, Spanish Government).

1 *RGDA* 34.

2 Tac. *Ann.* 3.28.2: *sexto demum consulatu Caesar Augustus, potentiae securus, quae triumviratu iusserat abolevit deditque iura quis pace et principe uteremur*. Cf. Dio Cass. 53.2.5.

Cassius Dio also affirms that during his sixth consulate in 28 Octavian reinstated traditional rules. The Greek author specifies the measures taken by Octavian, who, on one hand, reinstated the alternating possession of the fasces between the two consuls, which in the previous years had been exclusively in the hands of the Triumvirs. This change visually represented that the consuls once again exercised their power collegially.[3] At the end of his sixth consulship, on the other hand, Octavian, Cassius Dio adds, took the traditional oath, presumably in a *contio*, that he had respected the laws, an act whose relevance was especially noteworthy in the year of *restitutio*.[4] Finally, the legend found on the reverse of an aureus minted in 28 speaks to Octavian's programme and demonstrates the importance that it was lent: *LEGES ET IVRA P R RESTITVIT* ("he restored the laws and rights of the Roman people").[5]

The restoration of the *res publica* must have taken the form of one or several edicts,[6] in which various measures of public and private law were adopted.[7] In the political field, Octavian stopped handpicking magistrates years in advance, something which the Triumvirs had done, and returned to the Roman people their elective duties. He also gave the senate back the job of drawing the provincial proconsuls. It is beyond dispute that from 28 onwards all the magistrates were again elected in comitia, as well as that between 28 and 5 BC there were only ordinary consuls and no *consules suffecti*, except in extraordinary situations when one of the *ordinarii* had to be replaced, just as had happened throughout the Republic. In short, Octavian formally recognized popular sovereignty and the rule of law in Rome, thus allowing for a return to political normality. This stood in contrast to the exceptionality of the Triumvirate.[8]

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3 Cf. Vervaet 2014: 32-33; Dalla Rosa 2015a: 558.

4 Dio Cass. 53.1.1-2: τότε μὲν ταῦτ᾽ ἐγένετο, τῷ δὲ ἑξῆς ἔτει ἕκτον ὁ Καῖσαρ ἦρξε, καὶ τά τε ἄλλα κατὰ τὸ νομιζόμενον ἀπὸ τοῦ πάνυ ἀρχαίου ἐποίησε, καὶ τοὺς φακέλους τῶν ῥάβδων τῷ Ἀγρίππᾳ συνάρχοντί οἱ κατὰ τὸ ἐπιβάλλον παρέδωκεν, αὐτός τε ταῖς ἑτέραις ἐχρήσατο, καὶ διάρξας τὸν ὅρκον κατὰ τὰ πάτρια ἐπήγαγε.

5 Mantovani 2008, Vervaet 2010 and Dalla Rosa 2015b. Rich – Williams 1999 defend the reading "he restored to the Roman People laws and rights". See also Suspène 2009 (with further bibliography). Octavian's garlanded head appears on the obverse; on the reverse a togate Octavian is seated on a *sella curulis*, holding a scroll in his right hand.

6 Dio Cass. 53.2.5. Cf. Mantovani 2008; Pellecchi 2015: 464-465; Dalla Rosa 2015b: 187.

7 Dio Cass. 53.2.3.

8 Hurlet – Mineo 2009b: 17. On *res publica restituta* see also Ferrary 2003; Le Doze 2015.

We should not analyse these events in the light of what happened years later, when the Principate progressively asserted itself as a *de facto* monarchy: historians know what happened next, but the inhabitants of Rome and the Empire could not have known what would later unfold. The point to stress is that for a few years, despite Augustus' rule, it would have surely been possible – even if a bit optimistic – to believe that in Rome the *res publica* had indeed been restored, a sentiment that would have been buttressed by Augustus' frequent absences from the city.[9]

Restitutio rei publicae should not be considered, therefore, as nothing more than a propagandistic slogan in 28-27, but rather as a desirable and much-awaited policy that could lead to stability in Rome. In other words, there was a palpable desire for restoration, which was undoubtedly shared by large sections of Roman-Italian society that was fed up with wars, violence as well as political and social instability. In several passages Appian, who is more concerned with social issues than Cassius Dio, reflects on the socioeconomic chaos experienced in Italy during the Triumviral age: war, conscription, the running away of slaves, the pillage of fields, a plummet in agricultural productivity, an increase in famine, etc.[10] Other chapters in this volume deal with the socio-economic damage that Romans and Italians suffered during the period.[11] In the context of the present chapter, I am particularly interested in the institutional aspects, for which our main – and sometimes only – source of information is Cassius Dio. The abovementioned actions that Octavian undertook in 28-27 show that there were valid grounds on which one could argue that institutional restoration did indeed take place, in light of the slew of illegal or irregular events that had occurred in the years prior to Actium.[12]

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9 Hurlet 2009: 84: "la restauration de la *Res publica* constitue une réalité si l'on analyse la situation à Rome dans le courant des années 20. À l'issue d'un processus qui commença le 1er janvier 28 pour s'achever avec la ou les séance(s) de janvier 27 relative(s) au gouvernement des provinces, l'État romain redevint un État de droit qui mit un terme aux pratiques triumvirales et subordonna le fonctionnement des institutions politiques au strict respect de règles d'essence républicaine."

10 See App. *B Civ.* 5.74 (cf. 4.13-15; 5.67-68; 5.132). On the social perspective in Appian's narrative – something absent from Cassius Dio's, which focuses more on political issues –, see Gowing 1992: 36-37.

11 See in this volume the articles of Maschek, García Morcillo and Rosillo-López.

12 In this context of restoration, Octavian also took care of promoting necessary economic reconstruction. Cassius Dio (53.22.1) reports that many of the roads in Italy were in very poor condition due to lack of maintenance over the previous years. Consequently, Octavian ordered various senators to repair them at their own expense, and he himself looked after the *via*

Fergus Millar, however, came to the conclusion that one can legitimately speak of institutional normality during the Triumviral period.[13] To what extent did such normality actually exist? To what extent, in contrast, can we speak of institutional exceptionality throughout this period?[14]

II

Let us start with the facts that cast light on the exceptionality and irregularity of the Triumviral period vis-à-vis the normal functioning of Republican institutions. In this regard, an obvious place to begin is the use that the Triumvirs made of magistracies and priestly colleges as a mechanism for rewarding their loyal followers.[15] Consequently, Triumviral control of the magistracies was detrimental to many traditional aristocratic families and, at the same time, allowed for more than ever before *homines novi* to gain access to the elite by the mere virtue of holding an office. The power of the Triumvirs to appoint magistrates (and priests), on the one hand, took away from the people – whether totally or partially – one of their main prerogatives: the election of magistrates in comitia.[16] On the other hand, direct appointment eliminated competition between members of the aristocracy, a type of competition that had been one of the bases of the Republican system: this must have been a consequential shock to an aristocracy whose existence was essentially predicated on internal competition and choice of the people in elections.[17]

Flaminia. Years later Augustus personally assumed the responsibility for the roads, though he appointed *praetorii* to take charge of the details (Dio Cass. 54.8.4). Cf. Eck 1979: 25.

13 Millar 1973: 54.

14 In the present context, I can only focus on the institutions whose activities were carried in Rome and must, therefore, exclude the provinces from the present discussion.

15 On the Triumviral prerogatives in general, see Vervaet's chapter in this volume.

16 Cf. Laffi 1993: 53-54.

17 Cf. Hölkeskamp 2010: 98-106. When Cassius Dio asserts that the Romans were uneasy about the continuous coming and going of magistrates every year (Dio Cass. 48.53.1-2, see below), one may wonder whether discontent was general or whether it focused in particular on the (traditional) aristocracy, for whom the avenues of political promotion depended exclusively on the three rulers of Rome. On the other hand, we know that in the 30s there seems to have been an endemic lack of aediles: in 36 there were no aediles due to a lack of candidates, and so praetors and tribunes had to absorb their functions (Dio Cass. 49.16.2), and in 33 Agrippa agreed to be the sole aedile, again due to a lack of candidates (Dio Cass. 49.43.1). The dearth of aediles may have been partially due to the economic burdens inherent in holding the office (see, for example, the enormous – albeit exceptional – costs that Agrippa incurred during his term of office); cf. Daguet-Gagey 2015: 80-81. However, another reason

However, it is not clear – and perhaps unlikely – that the Triumvirs always appointed all magistrates at all levels. In other words, it is possible that elections continued to take place,[18] although we must note the lack of any indication that election 'campaigns' or competition between candidates happened in this period. We do know of the case of Oppius, who, according to Appian, was elected aedile by the people, which helped him to cover the expenses of his office since the proscriptions had robbed him of all his property.[19] Appian's account clearly suggests that the people somehow intervened in Oppius' election, but we cannot conclude whether this was merely a meaningless confirmation ritual for an appointment previously decided upon by the Triumvirs. Be that as it may, this episode remains an isolated case in our sources, and in no way allows us to conclude that the elections continued to be held on a regular basis between 43 and 31 BC.

In the agreement between Lepidus, Antonius and the young Caesar that gave rise to the formation of the Triumvirate, there was a special stipulation concerning the Triumvirs' role in appointing all magistrates whom they considered appropriate, a provision that must have been included in the *lex Titia*, which legally created the Triumvirate.[20] As a consequence, we have a good deal of evidence concerning the appointments

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for the shortage may have been that it was no longer worth bearing the expenses entailed in that office when future promotion to other magistracies depended not on popularity among the people, but on the will of the Triumvirs. In order to solve these problems related to the recruitment of aediles, Octavian handed over their functions to the praetors in 28.

18 Millar 1973: 52: "there remain a few indications that the ritual of the elections continued, and even that some places were filled by election." In his speech to his soldiers in 42, Cassius asserts that no magistrate (whether praetor, consul or tribune) was elected any longer (App. *B Civ.* 4.93). This statement must, however, be understood in the context of the initial phase of the Triumvirate and civil wars.

19 App. *B Civ.* 4.41. Cf. Millar 1973: 53. According to Cassius Dio (49.16.2), in 36 there were no aediles due to a lack of candidates, but this does not necessarily imply that they were candidates in popular elections. However, we do have proof that the elections still took place in the year 43, at the time when the Triumvirate began to wield its power. According to Appian (*B Civ.* 4.18; cf. Val. Max. 9.11.6), an individual who canvassed for the questorship denounced his father (L. Villius Annalis), a praetor who was one of the proscripted. In return he received his father's fortune and was directly appointed aedile by the Triumvirs (not quaestor), which shows their willingness to intervene in the appointment of magistrates from practically the beginning of their rule. In fact, this episode indicates the pre-eminence and arbitrariness of the Triumvirs in the institutional sphere.

20 Dio Cass. 46.55.3; App. *B Civ.* 4.2.7. Cf. Frei-Stolba 1967: 81-83; Fadinger 1969: 35-36; Laffi 1993: 45-47.

carried out directly by the Triumvirs. As a matter of fact, we have evidence that they designated consuls,[21] praetors,[22] aediles,[23] quaestors,[24] urban praefects,[25] priests[26] and senators.[27]

Many of these appointments were carried out under extraordinary conditions and without any respect for traditional norms or the law, regarding questions like the number of magistrates, term limits or age requirements. While the number of magistrates – except in the case of the consulship – had increased throughout the Republic, there was an established number for every office each year. This regulation disappeared in practice during the Triumviral age, when the number of magistrates increased at the whim of the Triumvirs, even disproportionately: this was the case in 38, when sixty-seven praetors were appointed and held office throughout the year.[28] As a general consequence, the magistracies lost their annual nature and were not held for a set amount of time. Already in 43, within the framework of the proscriptions, the Triumvirs removed all the praetors from office, even though they only had five days left to serve, and in their place they appointed substitutes for the short period of time that remained.[29] Likewise, in the year 40 Antonius and Octavian dismissed all the consuls and praetors, although the end of the year was very near, and appointed others in their place to hold the position for only a few days. L. Cornelius Balbus was among the new consuls. Not only that, but when an aedile died on the last day of the year the Triumvirs chose and designated a substitute for only a few hours.[30] And this was not the only instance of this happening: when a praetor died on the last day of the year 33,

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21 Dio Cass. 47.15.2 (in 43 Ventidius); 48.32.1 (year 40); 48.35.1-2 (year 39); 50.10.1 (year 31).

22 Dio Cass. 47.15.1-3; 48.43.2.

23 Dio Cass. 48.32.3.

24 Dio Cass. 48.43.2.

25 Dio Cass. 49.42.1.

26 Dio Cass. 47.15.1; 49.16.1; App. *B Civ.* 4.5.1.

27 Dio Cass. 48.34.4.

28 Dio Cass. 48.43.2. There were also institutional innovations, such as the fact that the consuls of 38 were the first to have two quaestors each (Dio Cass. 48.43.1).

29 Cf. Dio Cass. 47.15.3. When the young Caesar became a triumvir in 43, he left the consulship and was replaced by Ventidius, who until then had held the praetorship. This happened instead of electing a suffect consul, as would have been legal. In turn, an aedile replaced Ventidius as praetor (cf. Daguet-Gagey 2015: 86). Both promotions without elections were irregular.

30 Dio Cass. 48.32.1-3. On the aedile, see Daguet-Gagey 2015: 86.

the young Caesar likewise appointed a substitute for just a few hours.[31] Speaking of events from 37, Cassius Dio asserts that the citizens in Rome were annoyed by the constant changes that took place in the magistracies, since consuls, praetors and quaestors were constantly replacing each other in the offices. Cassius Dio explains that for many it was important just to hold a magistracy – even if for only a very short time – simply because they could then say that they had held that *honos*, which opened up the possibility of holding other offices outside Italy. In fact, it was not unusual to accept a magistracy only to resign it on the same day, always with the approval of the Triumvirs of course.[32]

Similarly, it was not unusual for the age requirements for holding an office to be ignored. Thus, a boy was designated quaestor in 38,[33] and in 34 children chosen among the *equites* were named urban prefects during the celebration of the *Feriae Latinae*, which continued to be held (see below).[34] Ultimately, the impression obtained from all these examples is that the tenure of the magistracies depended on the will, or rather the whim, of the Triumvirs, and in particular of Octavian, who was present in the Urbs. So, it is no surprise that in 33, when the praetor L. Asellius resigned from the office due to illness, Octavian simply replaced him with his son, as if the office had suddenly become hereditary.[35]

Cassius Dio tends to paint a picture of absolute institutional disorder, and the senate is no exception.[36] He claims that the Triumvirs enrolled a large number of new members in the senate (it can be assumed that the *lex Titia* would have given the Triumvirs that power), but his main criticism deals with the origins of the new senators: not only were Italians and soldiers enrolled, but the sons of freedmen and even slaves were as well.[37] For Cassius Dio, this fact that slaves could infiltrate the senatorial order and hold magistracies serves as the coup de grâce in his depiction of the chaos of the

31 Dio Cass. 49.43.7.

32 Dio Cass. 48.53.1-2.

33 Dio Cass. 48.43.2.

34 Dio Cass. 49.42.1. It should be noted that the prefects were appointed by the Triumvir Octavian, not by the consuls as had previously been the norm.

35 Dio Cass. 49.43.7.

36 See Ferriès' chapter in this volume.

37 When Octavian exercised censorial prerogatives in 29-28 with Agrippa, he undertook a thorough review of the composition of the senate. As a result he removed dozens of senators (Dio Cass. 52.42).

period. He mentions a Maximus, whom his master recognized when the slave was aspiring to hold a quaestorship, and another slave even reached the praetorship, though upon being discovered he was summarily condemned to death.[38]

The Triumvirs not only appointed magistrates, they did so for several years in advance, which automatically marginalized the people and rendered elections toothless. In 39 the Triumvirs appointed among their followers the consuls for several years in advance.[39] In addition to designating two annual consuls, as had been the custom, they appointed others, establishing the difference between *consules ordinarii* and *consules suffecti*.[40] At the end of 40, suffect consuls had already been appointed for a short period of time, but since 39 a permanent system was established for the rest of the Triumviral period: two ordinary consuls at the beginning of each year, replaced in the following months by a varying number of suffect consuls (up to four in 34 and six in 33). In practice, this meant that no consul held office for a full year, and that many of the suffect consuls barely held office for a few months or even just a few weeks.

From a political point of view, the unusual proliferation of consuls could be used to consolidate support and reward a large number of loyal followers, many of whom were members of families that, until that moment in history, had been inconspicuous in Rome and some of whom came from Italian towns. From a constitutional point of view, the consulship remained formally the highest annual magistracy and was still a token of status. This apparent continuity gave the impression that Republican institutions had been preserved. In practice, however, the consulship became a second-class

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38 Dio Cass. 48.34.4-5. On (Vibius) Maximus, see Syme 1955: 57. Cf. Pina Polo 2014. Cassius Dio uses almost exactly the same words and makes the same criticisms when he speaks of the new senators appointed by Caesar (Dio Cass. 43.47.3). Ultimately, Cassius Dio disapproves of lowborn, undeserving individuals who entered the senate. Cf. Gowing 1992: 25 n.15.

39 Dio Cass. 48.35.1-2. Cf. App. *B Civ.* 5.73. Cassius Dio's suggestion that consuls were appointed eight years in advance is dubious. Appian leaves out the appointment of the consuls of previous years and only mentions the designation of the regular consuls for the four years between 34 and 31. See Welch 2012: 243-244 (for another viewpoint, see Vervaet 2010, 84-87 and 96-97, as well as in his chapter in this volume). Be that as it may, it is a fact that ordinary and suffect consuls were appointed by the Triumvirs, and not elected by the people in comitia for the years between 39 and 31.

40 On the suffect consulship during the Triumviral period, see Pina Polo 2018.

magistracy under the Triumvirate's thumb.[41] On the one hand, the fact that the appointment of consuls depended on the will of the Triumvirs and not on the popular vote clearly and emphatically revealed the inferiority of the consulship. On the other hand, the multiplication of the number of consuls each year, eliminating de facto the traditional annual limits of the office, reduced its authority and depreciated the consulship in relation to the Triumvirs, who held the real power.[42] While the suffect consulship had existed throughout the Republic as a constitutional mechanism to replace dead or incapacitated consuls, during the Triumviral period it was used as a political instrument, since suffect consuls replaced consuls that did not need a substitute. This change perverted the meaning of the institution. This irregularity was so evident that is easy to understand why Octavian's decision in 28 to suppress the suffect consuls could be seen as a sign of a return to Republican normality. When in 5 BC Augustus re-established the suffect consulship on a regular basis, political circumstances had shifted and the Princeps needed a way to reward those who had proven their loyalty, just as the Triumvirs had done decades before.

One of the consequences of the Triumvirs appointing magistrates for several years in advance was that many people could hold the title of magistrates designate for years, which conferred a certain political status, even within the senate.[43] Obviously, this was yet another irregularity, since until then a magistrate was only considered designate from the moment he was proclaimed the winner in the elections until he took office, that is, for a few weeks or months. Now, this status could be held for years from the time an individual was appointed by the Triumvirs until he actually took office. And some inscriptions and coins show that these people did indeed use the title of designate as part of their official *cursus honorum*.

According to Cassius Dio, the Pact of Misenum signed in 39 between Sextus Pompeius and the Triumvirs established that Pompeius would be consul some years later and that some of those under his command would be appointed tribunes, praetors and members of priestly colleges.[44] For that reason, over the next several years, Sextus Pompeius was officially *consul*

41 See Pina Polo forthcoming.
42 Pina Polo 2018: 112-113.
43 On *consules designati*, see Pina Polo 2013. Cf. Frolov 2018.
44 Dio Cass. 48.36.4.

designatus and *augur designatus*, but in fact he did not hold the consulship nor was he actually inaugurated as augur.[45] In an inscription of Lilybaeum in Sicily, L. Plinius Rufus, who is called *legatus pro praetore*, appears to be responsible for the construction of a gate and towers in the town.[46] The inscription is dedicated to Magnus Pompeius Pius (i.e. Sextus Pompeius), who is given the titles of consul and augur designate. The inscription therefore must be dated subsequent to the 39, after the Pact of Misenum had been signed. As a *legatus pro praetore*, Plinius Rufus commanded the Pompeian troops in the western part of Sicily and fought against Lepidus. After the defeat at Naulochus, Sextus Pompeius brought Plinius Rufus to Messana, but, once Pompeius fled the island, Plinius Rufus surrendered.[47] In the inscription, besides being referred to as *legatus pro praetore* Plinius Rufus presents himself as *praetor designatus*. He must have been appointed praetor immediately after the signing of the Pact of Misenum, in 39 or 38.[48] Therefore, he was one of Pompeius' followers who received an office in advance. However, it is unlikely that he would actually ever go on to hold the praetorship, and he must have remained praetor designate until his surrender in 36, as is reflected in the inscription.

In a very significant way, the title *consul designatus* appears for years along with that of *triumvir rei publicae constituendae* (i.e. as their two official institutional titles) on coins minted by the Triumvirs, which were, after all, official documents with wide circulation. Antonius was *consul ordinarius* in 34 and was to be so again in 31. On the reverse of the coins that he minted in 38, Antonius is referred to as consul designate for the second and third time.[49] We find a similar legend along with augur on the obverse of coins in 36.[50] In the years 34 and 33, however, only the legend *consul designatus* for the third time appears.[51] In the case of Octavian, who was *consul ordinarius* in 33 and 31, on his coins of 37 and 36 we find the legend consul designate for the third

45 Dio Cass. 48.54.6. Cf. Welch 2012: 184.

46 *ILS* 8891 = *ILLRP* 426: *Mag. Pompeio Mag. f. Pio imp. augure cos. design. por[ta]m et turres L. Plinius L. f. Rufus leg. pro pr. pr. des. f. c.*

47 App. *B Civ.* 5.97-98; 5.122.

48 Welch 2012: 216.

49 Crawford *RRC* 534, no.533 (*III · VIR · R · P · C· COS · DESIG · ITER · ET · TERT*).

50 Crawford *RRC* 537, no.539 (*AVGVR · COS · DES · ITER · ET · TERT*).

51 Crawford *RRC* 538, no.541 (*COS · ITER · DESIGN · TERT · III · VIR · R · P · C*) and 542 (*COS · DES · III · III · V · R · P · C*).

time.[52] Nevertheless, this title was not exclusive to the Triumvirs. Marcus Agrippa was *consul ordinarius* in 37. For that reason on coins minted by Octavian in 38, Agrippa is mentioned on the reverse as *consul designatus*.[53]

In exactly the same way as they used traditional Republican magistracies, the Triumvirs used the priestly colleges as a political instrument to reward the greatest possible number of their loyal supporters.[54] Given the high number of vacancies in the priestly colleges that resulted from the wars and proscriptions of the years following Caesar's assassination,[55] the Triumvirs had the ability to make immediate nominations, whereas traditionally an aspirant to a priestly college had to wait to be co-opted until a vacancy opened up and he had been selected in a competition with other candidates. In the Triumviral period, this process was entirely in the hands of the Triumvirs whether or not any given priesthood was awarded. The difference between magistracies and priesthoods was the fact that, while the number of priests in each college was fixed[56] and tenure was for life, the magistracies were annual, which allowed for the successive designation of a large number of individuals on a yearly basis. Naturally, this greatly increased the opportunity for the Triumvirs to reward their loyal followers. Nevertheless, the priestly colleges offered the Triumvirs a stage for institutional evergetism which was, perhaps, more modest than a magistracy, but no less attractive from a symbolic point of view.

As we have seen, one aspect of the compromise between the different leaders in the Pact of Misenum entailed the appointment of magistrates for the following years, which assisted in achieving peace and stability. Given that the pact included the large-scale nomination of new priests to the different colleges, we can assume that it was probably in 39 that the different priestly colleges saw the vacancies that had resulted from the conflicts of the previous years finally filled.[57] Unsurprisingly, taking into account the nature of the Pact

52 Crawford *RRC* 536-538, no.537, 538 and 540 (*COS · ITER · ET · TER · DESIG*).

53 Crawford *RRC* 535, no.534 (*M · AGRIPPA · COS · DESIG*).

54 See Pina Polo 2019b.

55 Pina Polo 2019a; 2019b: 179-181.

56 However, we know of the case of M. Valerius Messalla Corvinus, who was probably nominated in 36 after returning from the war against Sextus Pompeius (Hofmann Lewis 1955: 41-42 and 83; Valvo 1983; Rüpke 2008: 940 no.3414). According to Cassius Dio (49.16.1), he was nominated by Octavian despite there being no vacancy in the *collegium*. This clearly indicates that the Triumvirs bequeathed priestly nominations as they pleased, even exceeding the set number of priests in a college, if they saw fit.

57 Pina Polo 2019b: 183-186.

of Misenum, which tried to achieve political equilibrium between the different individuals and groups in conflict, the new priests (like the consuls designated at the same time) were supporters of one leader or another and only received their new appointment because of their proven loyalty to the Triumvirs or Sextus Pompeius. In fact, the appointment of magistrates and priests was close linked and it is no coincidence that the majority of these new priests would later become consuls, whether ordinary or suffect. Indeed, their appointment as priests no doubt inherently carried a simultaneous nomination as consuls designate, or at least the promise of a future consulship.[58] As a matter of fact, it was a constant throughout the period that the nomination of an individual to the priesthood, irrespective of to which priestly college he was appointed, either predated his nomination as ordinary or suffect consul, or occurred at (roughly) the same time. That is, the social elevation that a priestly appointment implied generally preceded the political zenith that came along with occupying the highest Republican office.[59]

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58 Indeed, among those who certainly or probably became priests as a consequence of the Pact of Misenum are the following individuals who later became consuls: the ordinary consul for 39, Marcius Censorinus (*quindecimvir*); the ordinary consuls for 38, Claudius Pulcher (*epulo*) and Norbanus Flaccus (*quindecimvir*); the ordinary consuls for 37, Agrippa (*quindecimvir*) and Caninius Gallus (*epulo*), as well as the suffect consul for the same year, Statilius Taurus (augur); the ordinary consul for 36, Cocceius Nerva (*quindecimvir*); Sextus Pompeius, who should have been ordinary consul (augur designate); the ordinary consul for 34, Scribonius Libo (*epulo*), and perhaps the suffect consul that same year, Paullus Aemilius Lepidus (augur); perhaps the suffect consul for 33, Fonteius Capito (*pontifex* or augur); the ordinary consul for 32, Sosius (*quindecimvir*); the suffect consul for 31, Cn. Pompeius (*quindecimvir*); the suffect consul for 29, Potitus Valerius Messalla (*quindecimvir*); and the ordinary consul for 21, Q. Aemilius Lepidus (*quindecimvir*). A similar succession of religious and political offices applies in the case of Sempronius Atratinus, who was probably nominated augur in 40, the year in which he was also suffect praetor, and who was appointed suffect consul in 34. The same sequence occurred with later nominations: Marcus Valerius Messalla was probably *quindecimvir* before being appointed suffect consul in 32; Messalla Corvinus became a priest in 36 and was suffect consul in 31; Titius must have been nominated *pontifex* prior to occupying the suffect consulship also in 31; the same occurred with Marcus Cicero, suffect consul in 30; Sextus Apuleius was augur before becoming ordinary consul in 29; the ordinary consul for 25, M. Junius Silanus, was nominated augur at some point in the 30s. Cf. Pina Polo 2019b: 190.

59 Multiple examples reliably corroborate this fact, and it is very likely that this sequence also applied in cases for which there is no chronological confirmation for the sacerdotal appointments. This occurred from the very outset of the Triumviral period: Ventidius Bassus was nominated *pontifex* at the same time as suffect consul at the end of 43, as though the assumption of the highest office (Ventidius Bassus was praetor until that moment) necessarily entailed also receiving the social and political accolade of priesthood. The same perhaps

This close relationship between political magistracies and priestly offices is hardly surprising, since they are, in reality, two facets of the political practice and self-representation of the social elite throughout the Republic. Probably more than had been the case in previous times, however, during the Triumviral period the priesthood served as a stepping stone for many *homines novi* who were socially elevated by the Triumvirs to the highest offices. A nomination to the priesthood – before assuming the highest magistracy – immediately endowed the beneficiaries with prestige and visibility, something particularly important for parvenus without a brilliant family history in Rome: for them, therefore, a priesthood symbolised access to the new *de facto* aristocracy of those rendering service to the Triumvirs.

III

Compared to what had been the institutional norms in the decades prior to the Triumviral period, all of these facts were notable irregularities. The question, however, remains whether it is possible to speak of normality in the daily life of Roman institutions between 43 and 31.[60] As had been happening throughout the Republic, each year consuls, praetors, tribunes of the plebs, aediles and quaestors took their office, and the priestly colleges filled their ranks with new members when necessary. As we have seen, the aedileship posed the main problem, since during the 30s there seems to have been an endemic dearth of candidates for the office (see above n.17). However, their duties remained necessary and still had to be carried out. Thus, for example, in 36 there was no aedile, and so praetors and tribunes of the plebs needed to perform their duties, a solution to the problem that itself constituted an irregularity.[61] In 33 there was the same issue, and Agrippa was the sole aedile that year.[62] This was naturally an extraordinary event, but Agrippa acted as a normal aedile and performed the usual tasks required of the office, though he spent his own money and did not take anything from the public treasury.

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occurred with Lucius Cornelius Balbus, who could have been nominated *pontifex* in 40 at the same time when he held the office of suffect consul. It should not be forgotten that Caesar had also proceeded in a similar way nominating Vibius Pansa and Hirtius to the augurship, before they became consuls in 43.

60 Cf. Laffi 1993: 55.

61 Dio Cass. 49.16.2. Likewise no prefect of the city was appointed for the *Feriae Latinae*, but some of the praetors discharged his functions.

62 Dio Cass. 49.43.1.

Accordingly, he repaired public buildings and streets, cleaned out sewers, built wells, fountains and reservoirs, carried out maintenance works at the circus, distributed olive-oil and salt, furnished the baths free of charge for men and women, etc.[63] Agrippa's aedileship clearly shows the combination of exceptionality in his appointment as the sole person holding the magistracy, on the one hand, and the normality of his carrying out of the duties of the office, on the other, even when we take into account the extraordinarily high expenses that he bore as aedile.

We also have evidence of the activities of other magistrates during the Triumviral period.[64] Agrippa himself organised the *Ludi Apollinares* in 40 as urban praetor.[65] The tribune of the plebs Nonius Balbus prevented the consul Sosius in 32 from taking measures against Octavian, in what amounted to the use of the tribunician veto and pointed forward a normal functioning of the tribunate (however, one has to wonder if a veto that harmed the Triumvir would have been admissible).[66] The tribune P. Falcidius passed a law, according to which the regular heirs had to receive no less than a quarter of the inheritance, thus demonstrating the tribunician capacity for legislative initiative.[67] Q. Pedius, son of the suffect consul in 43, was an urban quaestor in 41, as we know thanks to an inscription from the temple of Juno Lucina on the Esquiline. The inscription indicates that Pedius was responsible for contracting (*locare*) the construction of a *murus* of the temple for a certain amount and for approving after inspection (*probare*) that the work had been carried out properly: both are characteristic tasks of an urban quaestor.[68] The *SC de Aphrodisiensibus*, dated to 39, mentions the urban quaestors of this year, whose names cannot be reconstructed.[69] According to the inscription, the

63 Dio Cass. 49.43.1-5; Plin. *HN* 36.121.

64 The same must have happened with the religious ceremonies in which the priests of the different *collegia* were involved and which must have taken place as usual. However, Cassius Dio homes in on an exceptional fact: in 40 the pontiffs took care of the rituals that corresponded to the *septemviri*, because none of these were in Rome. According to Cassius Dio, this was also done on many other occasions afterwards (Dio Cass. 48.32.4).

65 Dio Cass. 48.20.2.

66 Dio Cass. 50.2.3.

67 Dio Cass. 48.33.5.

68 *CIL* 6.358 = *ILS* 3102 = *ILLRP* 160: *P. Servilio L. Antonio cos. / a.d. IIII k. Sext. / locavit Q. Pedius q. urb. / murum Iunoni Lucinae / sestertium milibus trecentis octoginta / eidemque probavit*. The high cost indicates that it was an important undertaking, possibly related to the temple's load-bearing walls (see Giannelli 1996).

69 See a new edition of the *SC de Aphrodisiensibus* in Raggi – Buongiorno, 2020.

consuls should instruct the urban quaestors to register the name of an ambassador in the *aerarium* and to give him a sum of money.[70] Again, registering the names of foreign legates in the *aerarium* and taking care of their needs during their stay (including the delivery of money) were tasks that the urban quaestors had undertaken throughout the Republic following the instructions of the senate and the direct orders of the consuls (as the *SC* demonstrates occurred in this case as well).[71]

The information about consuls at work during the Triumviral period is very limited, but it is sufficient to conclude that they continued to carry out their traditional duties and functions in day-to-day politics (obviously under the control and authority of the Triumvirs). Ordinary and suffect consuls – at least some of them – must have had a certain social visibility, which surely had a good deal to do with the presence (or lack thereof) of the Triumvirs at Rome: the consuls intervened in the senate, probably issued edicts,[72] spoke to the people in assemblies and performed religious tasks.

In fact we know of a few specific acts carried out by the consuls.[73] With regards to religious duties, in 40 the consuls celebrated the games that had been vowed for the completion of the war against Brutus and Cassius.[74] The festival may have been held at the end of the year, coinciding with the presence of Antonius and Octavian at Rome.[75] The suffect consuls L. Cornelius Balbus and P. Canidius Crassus would have presided over these games. Our sources also tell of the festival in 34 held in honour of Venus Genetrix during the final days of July, which was presided over by the suffect consuls Paullus Aemilius Lepidus and C. Memmius, who had entered office on 1st July.[76] Additionally, a brief notice given by Velleius Paterculus may very well refer to the suffect consul M. Titius in 31, who also presided over games: Titius, who, according to Velleius, had become unpopular in Rome for having killed Pompey, was jeered by the audience when celebrating the games he had organised in

70 *SC de Aphrodisiensibus ll.* 2-3; 74-76. Cf. Reynolds 1982: 66 and 88.

71 Pina Polo – Díaz Fernández 2019: 98-102.

72 For instance, in 42 the consul L. Munatius Plancus issued edicts saving some of the proscribed (App. *B Civ.* 4.37 and 45).

73 See Millar 1973: 53; Pina Polo forthcoming.

74 Dio Cass. 48.32.4.

75 Sumi 2005: 197-198.

76 Dio Cass. 49.42.1. For the date at which these consuls entered office, see Salomies 1991: 192; Pina Polo 2018: 108-109. Cf. Sumi 2005: 151.

Pompey's theatre.[77] As for the *Feriae Latinae*, Cassius Dio shows that in 43 it was still compulsory for the consuls to preside over the festival before leaving Rome to take command of their armies.[78] According to Cassius Dio, the consuls of that year left Rome without the festival having been held, which constituted a breach of the tradition. In 42, the prefect of the city presided over the Latin Festival, although this task, according to Cassius Dio, did not belong to him but to the consuls instead.[79] This consular duty must have existed over the following years under the Triumvirs.

In the second half of 34 the *consul suffectus* Paullus Aemilius Lepidus dedicated the rebuilt Basilica Aemilia, which his father L. Aemilius Lepidus Paullus had begun twenty years earlier.[80] This dedication continued the tradition, whenever it was possible, of inaugurating a public building promoted by the same individual or by a member of his family, while he was a consul in office: it was a means of simultaneously giving prominence to his consulship and to the building itself, not to mention a chance to curry favour in Rome.[81]

There is no reason to think that the consuls lost their ability to convene *contiones*, preside over them and speak at them, that is, their *potestas contionandi*. However, the only *contio* of the Triumviral period in which the intervention of a consul is attested was held during the Perusine war, when Lucius Antonius, who was wearing military garb, delivered a speech to the people and was acclaimed *imperator* by the audience.[82] To this can be added an assembly in 30 (i.e. after Actium but before the *restitutio rei publicae* of 28-27), in which the suffect consul M. Tullius Cicero announced to the people at Rome that Antonius had died, since his death in August of that year coincided with the months when the son of the orator was consul.[83] The text of Appian makes it clear that the consul Cicero read to the people an edict that was also publicly displayed on the Rostra. In all probability Cicero himself was the author of the edict, and this shows that, during the Triumviral period, the consuls must have issued edicts, as had been the case in previous years.

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77 Vell. Pat. 2.79.6. Cf. Millar 1973: 53.
78 Dio Cass. 46.33.4-5.
79 Dio Cass. 47.40.6.
80 Dio Cass. 49.42.2.
81 Cf. Pina Polo 2011: 272-273.
82 App. *B Civ.* 5.30-31; Dio Cass. 48.13.5.
83 App. *B Civ.* 4.51; Dio Cass. 51.19.4.

With respect to the popular assemblies, we have already seen that there are serious doubts that the comitia continued to maintain any real authority to elect magistrates. However, there is evidence of laws passed in comitia during the period, which demonstrates the continuity of at least a certain legislative activity. The known laws were promoted by consuls or tribunes of the plebs, as had been customary throughout the Republic.[84] The *contiones*, on the other hand, undoubtedly continued to take place, since these meetings were an indispensable instrument of communication with the people. However, a different question altogether is whether these assemblies were open to all offices, mainly consuls and tribunes of the plebs,[85] who had been the main conveners of *contiones* throughout the Republic, or whether they were under the (almost) exclusive control of the Triumvirs. As we have just seen, that of Lucius Antonius is the only known *contio* of a consul between 43 and 31. In contrast, all other meetings of which we know were summoned by the Triumvirs or one of them, especially Octavian, who was present at Rome.[86]

Finally, despite its new and changing composition, it is evident that the senate continued to function during the Triumviral period.[87] Again, it is a much more difficult matter to determine to what extent we can speak of normality in its sessions, procedures and debates. For example, in 39 the senate ratified the acts that the Triumvirs had carried out since the creation of the Triumvirate in 43.[88] This could be seen as suggesting that the Triumvirs were apparently somehow subordinate to the senate, though, in reality, this was nothing more than formality: could the senators have acted differently? In

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84 Laffi 1993: 50-53 collects the known laws. According to Laffi, the influence of the Triumvirs must have lurked behind all legislative initiatives.

85 The last known *contio* called by a tribune was that of P. Titius in November 43, precisely to announce his bill for the creation of the Triumvirate (App. *B Civ.* 4.7). The tribune Falcidius must have summoned *contiones* to present and defend his inheritance law (see above).

86 App. *B Civ.* 4.32-34 (edict to confiscate women's wealth); Suet. *Aug.* 61 (funeral eulogy of Octavian's mother); Dio Cass. 47.13.4 (edict of proscriptions); Sen. *Suas.* 6.19 and 21; Plut. *Cic.* 49.1-2 (Antonius shows Ciceron's head on the Rostra in an assembly); Dio Cass. 49.15.3 (Octavian announces outside the *pomerium* his victory over Sextus Pompeius in Naulochus); Suet. *Aug.* 17.1; Dio Cass. 50.3.4 (Octavian reads *pro contione* the supposed will of Antonius). Cf. Pina Polo 1989: 312-313; 1996: 162-169.

87 See in Laffi 1993: 47-50, a list of sessions and decisions taken by the senate during the period.

88 Dio Cass. 48.34.1. Cf. App. *B Civ.* 5.75: the senate ratifies all that Antonius had done or should do.

any case, this shows that the senate met and issued decrees, as happened years later when the senators approved granting honours to Octavian after his victory over Sextus Pompeius,[89] or when near the end of 40 the *praetores suffecti* Sempronius Atratinus and Messala Corvinus summoned the senate and introduced Herod of Judea, who was granted the title of king.[90] Cassius Dio narrates the dispute between Octavian and the consul Sosius, who already on the first day of 32,[91] presumably in the usual debate in the senate when a new year started, had dared to praise Antonius and to attack the young Caesar. Sosius did not stop there: he wanted to introduce measures against Octavian, apparently in the senate.[92] Octavian had preferred to stay out of the city while Sosius spoke in the senate and tried to launch initiatives against him. After reflecting on the situation, he returned to Rome and summoned the senate, accompanied by a guard of soldiers and friends who carried hidden daggers. In the senate the young Caesar sat down "upon his official chair" (ἐπὶ δίφρου ἀρχικοῦ) "in the middle of the consuls" (ἐν μέσῳ τῶν ὑπάτων), in a clear show of his superiority.[93] From there, he spoke at length in his own defence and railed against Sosius and Antonius. The consuls did not even dare to open their mouths to respond him and actually left the city secretly soon after, with other senators in tow.[94] While this story clearly demonstrates who actually held power in Rome, it also shows the senate at work.

IV

Let us conclude. While Appian is primarily interested in portraying the socioeconomic havoc in Rome and Italy during the Triumviral period, Cassius Dio focuses first and foremost on political and institutional chaos. While there is no reason to doubt the veracity of his claims, we must remember that

89 App. *B Civ.* 5.130.

90 Jos. *AJ* 14.384. Laffi 1993: 50: it seems that the Triumvirs let ordinary magistrates maintain the power to summon the senate.

91 See Lange 2009: 61, with supplementary bibliography for the discussion of the chronology of 32.

92 We do not know what kind of actions Sosius was planning, but the veto of the tribune of the plebs Nonius Balbus prevented him from going ahead (Dio Cass. 50.2.3). Once more, the initiative of the consul and the veto of the tribune should be seen as an indication of a certain institutional normality.

93 Pina Polo forthcoming. See also Vervaet's chapter in this volume.

94 Dio Cass. 50.2.4-6.

Cassius Dio saw the Triumviral period as the justification for Augustus' Principate.[95] And today there is undoubtedly a strong tendency to conceive of the Triumviral age as a transitional period between the Republic and Principate, perhaps precisely because of the influence that Cassius Dio's narrative has wielded. It is worth asking, however, whether Cassius Dio may have exaggerated the political instability of the period in order to extol and legitimise Augustus' government, and whether he consciously cherry picked episodes and anecdotes that would throw disorder into relief, while also minimizing any aspects that would demonstrate elements of continuity and normality.

Be that as it may, it seems evident, on the one hand, that the period was no stranger to institutional irregularities in regards to the magistracies, senate and comitia. Among them, surely the most decisive and striking was the fact that the election of the magistrates by the people was substituted for the Triumvirs' direct appointment of those officials. As a consequence, competition between members of the aristocracy, which had been a staple of the Republican political system, largely disappeared. The key to being appointed to an office was no longer found in gaining the people's favour, but tin winning the support of the Triumvirs. Obtaining an office, therefore, became a compensation for political or military achievements in the Triumvirs' service, not in the service of the larger community. In this respect, the Triumvirs found a clever means of exploiting their power to convert both magistracies and priesthoods into an instrument for rewarding loyalties. Accordingly, there was a rise of a new loyal aristocracy, which after Actium and Antonius' defeat essentially became an aristocracy loyal exclusively to the man who would soon be known as Augustus.

On the other hand, however, there is also sufficient evidence to suggest that the institutions, in general, continued to function fairly normally on a day-to-day basis, even if always under the supreme control of the Triumvirs. The senate continued to meet regularly and make decisions. The *contiones*, an essential channel of communication with the people, continued to be summoned. The magistrates performed the duties of their offices and carried out the tasks traditionally assigned to them; and if this was not possible, as

95 Gowing 1992: 35: "Dio's conception of and interest in the triumviral period largely derive from its result, the Principate… In Dio's view, history tended inexorably to the conclusion that Octavian would become sole ruler; all else is subordinated to that premise. Study of the period was useful only insofar as it demonstrated the need for monarchy and for a monarch like Augustus."

happened with the aediles on at least one occasion, other magistrates stepped in and took charge. The ranks of the priestly colleges were filled with new members who performed the ceremonies and rituals expected of them. In short, we cannot suggest in good faith that the Roman administration completely succumbed to dysfunction for more than a decade. On the contrary, we must submit that, fundamentally, the Roman state machinery continued to function with a certain normality, despite the unusual practice of irregularly appointing magistrates: this level of normality lent Republican legitimacy to the Triumviral regime without any political risk to the Triumvirs. Significantly, when Octavian returned to Rome in 36 after defeating Sextus Pompeius, Appian says that he "allowed" the annual magistrates to manage many public affairs according to tradition, in an attempt to present an image of a return to the traditional Republican order.[96] On the one hand, this shows that, in effect, the affairs of the public administration continued to be carried out, despite an increasing dependence on the Triumvirs, particularly the one who stayed in Rome, Octavian.

The question, then, is whether between 43 and 31, we should envision a Rome whose institutions were crippled by the Triumvirs' stranglehold and the resulting lack of competition, yet where daily political life nevertheless proceeded as normal.

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96 App. *B Civ.* 5.132. Octavian also ordered that the writings that contained evidence concerning strife be burned and promised to restore the constitution when Antonius should return from the Parthian war. Cf. Gowing 1992: 1: Octavian already intended to impose his own view of historical facts, as he would later do as Augustus.

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SENATORUM… INCONDITA TURBA (SUET. *AUG.* 35.1). WAS THE SENATE COMPOSED SO AS TO ENSURE ITS COMPLIANCE?

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In his first *lectio*, Octavianus purged the Senate of the holdovers from the civil war whom he deemed had brought shame upon the noble assembly. According to Suetonius and Cassius Dio, this *lectio* was necessary since the number of senators had exceeded a thousand, many of whom – citizens of the *prima classis*, of servile or unclear birth or individuals made wealthy due to disgraceful activities – were unworthy of having their name in the *album*.[2]

There is a prevalent opinion among scholars[3] that Caesar expanded the Senate to make it a docile instrument composed of highly rewarded supporters and that the Triumvirs followed Caesar's example by allowing such a chaotic arrangement to continue. Were Caesar and the Triumvirs' motivations so simple? Was having a large number of senators in itself a guarantee of the body's docility?

We will first examine the question of critical mass and its relevance. Then, we will turn to the methods used for controlling the assembly. Finally, we will provide a more nuanced assessment of the situation. To begin, I would like to ask whether there was an ideal number of senators and whether there was a limit placed on the number of this body's membership.

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1 I would like to warmly thank Simon Pivôt for his invaluable help and tireless patience and Benjamin Adam Jerue.

2 Suet. *Aug.* 35.1; Dio Cass. 52. 42.1-2.

3 Taylor 1949-1977: 301; Meier 1982-1989: 432-433; Chastagnol 1992: 16-18.

1. An ideal number?

The question of an upper limit on Senate membership was a real and live one. The author of the second *Letter to Caesar* refused to adjudicate on this matter: *Forsitan, imperator, per lectis litteris desideres quem numerum senatorum fieri placeat…*[4] Caesar had boosted the number of senators to 900 in 46,[5] a number which grew to 1,000 *patres* by the end of the Triumvirate "through influence and bribery."[6] It is common knowledge that Caesar's scheme consisted in raising the number by a third with the result that the chaos and partisanship that characterised the civil wars ended in an unfortunate overcrowding of the senate. The number dipped back down to 900 in 29. This cycle of growth and contraction can be misunderstood and ought to be critically examined before we can fully grasp the significance and reasons for this policy of toying with the number of senators.

A fixed limit?

The first point to stress is that the theoretical limit on the number of members was not written in stone. Due to the admittance of previous magistrates to the Senate, the censors of 60 BC counted enrolment at over 600 and they decided to maintain the surplus members.[7] This decision proves the possibility of registering senators in the *album* over the theoretical limit. The same logic can be detected in the Triumviral period: it was not considered criminal to exceed the limit of 900 members, supposing that this number had been set by Caesar.

The limit of 900, however, was probably not envisioned by Caesar. Rather, this number seems to have been determined in 46 BC after a new wave of recruitment, since Cassius Dio does not mention any sort of scheme, but instead the results of a process. Would Caesar have kept it this way? The *lectio* of 29 BC when Octavianus reduced the number to 900 can be interpreted as an act of filial piety, though such an analysis is far from certain. In fact, the

4 Sall. *Ad Caes. sen.* 2.12.1

5 Dio Cass. 43.47.3.

6 Talbert 1984a: 55. It expresses exactly the common opinion influenced by source of both Suetonius and Cassius Dio. In the same vein, see de Martino 1993: 75, 79-80: "La composizione interna del Senato era così profondamente modificata da fargli perdere molto della sua antica dignità."

7 Dio Cass. 37.46.4.

Caesarian Senate was not the one that Augustus envisioned, since 900 was merely a temporary cap that was adopted before Augustus could re-examine his father's reforms.[8]

In fact, the desired cap on membership could be determined by the number of *quaestores*. It is easy to estimate that having 20 *quaestores* every year, as Sulla had decided, would lead to a Senate of approximately 600 members within thirty years; on the other hand, the 40 *quaestores* of Caesar would yield a Senate with 1200 members within thirty years, which can nearly explain the situation that we observe during the Triumvirate.[9] The Caesarian project of 47 BC aimed to double the number of senators that there had been during the time of Sulla. The 1000 senators of the Triumvirate did not result from a deep disruption of politics, but was simply the natural result of Caesarian policy. Another consideration supports this hypothesis: if we accept that the requirement of having 400 senators to reach a quorum in the early Augustan period (as Cassius Dio attests) came from one of Caesar's laws, then we can calculate that Caesar had projected 1,200 senators in total, since the quorum was usually a third of the assembly.

Still the policy enacted by Caesar was far from reassuring for members of the social elite, since it meant the sudden and massive opening of an *ordo* that had until then been highly controlled. This revolutionary aspect of this approach cannot be understated. The fact that the Triumvirs never managed to raise the number to 1,200 could suggest that Caesar's plans were overly ambitious. He might have surpassed the recruiting capacities of the social base or, at any rate, he could have over anticipated their ability to meet his expectations. This could explain two of the main reproaches found in the sources concerning the Triumviral Senate: (1) the registration of individuals from the first class of the *centuriae* in the *album* without them having gone through the *seminarium* of the equestrian order (as Livy put it);[10] (2) the endemic problem of not being able to fill minor magistracies, which was a clear consequence of having too many positions to fill each year. Could Caesar's ambitious and unrealistic attempt to double the number of senators be seen as legitimate undertaking with any practical purpose?

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8 Talbert 1984a: 56-57; 1984b: 131-132.

9 *CIL* 1^2.587. Tac. *Ann*. 11.22.8: *quaestores… post lege Sullae viginti creati supplendo senatui*.

10 Liv. 42.61.5: *equites seminarium senatus*.

Theoretical headcount and the effective headcount

The number placed on the *album* was theoretical and had nothing to do with the actual number of senators we could expect in a session. The frequent attendance requirements at Senate meetings clearly indicate so much.[11] This fact is attested in the sources: in his letters Cicero insists on the occasions when a question had been debated by the *senatus frequens*.[12] Sallust states that the senators were overworked with the many tasks that the Sullan reforms had assigned them and that only a small number managed to attend regularly.[13] That being the case, we could conclude that the number of 600 members was not enough to meet the administrative needs of a growing empire, the heart of which was the Senate. We must take into account the positions and missions that each year would require some fifty or so senators to depart from Rome to serve as magistrates, pro-magistrates or legates. Furthermore, trips related to business, visits or tours regularly stripped the Senate of a portion of its members, not to mention the senators who were satisfied with having the title 'senator' but never actually participated in debates.

However, some sessions did attract two thirds of the Senate, particularly those in January 50 BC that dealt with the powers of Caesar. All senators were needed and 370 voted in favour of maintaining Caesar's authority, whereas only 22 voted against.[14] This event cautions us from passing judgement on the Senate too quickly, as Sallust did, when claiming that it was an assembly

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11 There was not a quorum, strictly speaking, before Augustus (Suet. *Aug*. 35.4; Dio Cass. 55.3.1-4), because there were not ordinary meetings before Augustus' reforms; on Republican quorum, see Willems 1885: 165-170; Mommsen 1891: 179-181; Balsdon 1957: 15-20; Gale 2003: 93-106; for the Roman imperial Senate, see Talbert 1984b: 131-132; Chastagnol 1990. That said, some decisions required a minimum attendance to be passed, for example, *ILLRP* 511 (*CIL* 10.104, *D*. 18). The Cornelian law of 67 BC claims that a specific attendance (200 senators: Asc. 57-59 C) was required to vote for individual exemptions to the general law. M. Coudry shows that a quorum was required for decisions affecting persons or private interests, such as *supplicationes*, exemptions to the law and the devolution of praetorian and consular provinces, probably after the *Lex Pompeia* of 52 (Coudry 1990: 137; 143-145).

12 Coudry 1989: 420-421; Cicero gives 23 examples.

13 Sall. *Ad Caes. sen.* 2.11.6; this analysis was contemporary with Cicero's reflections on the need for senator's attendance and participation for the proper running of the city (Cic. *Rep*. 1.12). See Ascon. 57-59 C on the *Lex Cornelia*.

14 App. *B Civ*. 2.30; as Coudry pointed out, this session was an example of a high conflict situation that drew an unusual crowd to the Senate; cf. Coudry 1989: 418-419. For a list, see Taylor — Scott 1969: 532.

characterised by absenteeism and controlled by a factional oligarchy. This event also demonstrates that when a consul opened the debate to all senators, the results could buck expectations.

The first consequence of Caesar's decision to increase the number by a third would have been to grant him the benefit of higher attendance numbers at meetings (about three or perhaps even four hundred) without depriving himself of a staff for various military and provincial missions. It is difficult to know the efficiency of this increase. Only one piece of evidence remains, which is found in the S.C. of Plarasa-Aphrodisias that dates to October 39 BC, a time when Roman legions were engaged on many fronts. In the inscription it stated that 340 senators were present for the vote.[15] But, in fact, during the Caesarian and Triumviral Period, the number did not exceed Republican records, ca. 415 senators in 61 and, surely, 417 in 57 BC. The question is whether Caesar introduced a law requiring a minimum attendance of 400 senators for crucial decisions. Charles Talbert has maintained so much, whereas Marianne Coudry has rejected this hypothesis; in contrast, she has suggested that this quorum was established in an Augustan law.[16] This matter merits further reflection. There is only one piece of evidence for the quorum of 400: Cassius Dio dates the abolition of the quorum to 11 BC, when it was impossible for a senate with 600 members to reach that threshold. If the quorum of 400 was adopted by Augustus, this supposes that the number of senators would have been around 1,000, at the very least; it thus follows that such a measure would have been voted on before 29 BC. Therefore, even if we assume that the young Caesar was the author of this *Lex Iulia*, it ought to be dated to the Triumviral period rather than during the 20s.[17]

Having a quorum of 400 and membership of 900 or 1,000 (and even more so 1,200) may point to the intention of giving more weight to the Senate's decisions. This was an idea of which Cicero would not have disapproved. In his opinion, assiduity was the duty of a good senator but he

15 Reynolds 1982: no.8: καὶ] ν συνκλητικοὶ τριακό̣σ̣[ιοι τεσσαράκοντα ὅτε ἐγ]ένετο τὸ ὅρκιον.

16 Talbert 1984a: 57; 144.

17 The *Lex Genetiva Ursonensis* seems to provide an additional argument in favour of attributing the quorum law to Julius Caesar. Of course, we cannot assume that the modus operandi of the colonial senate would have coincided with the decision-making process of the Roman Senate but it does give us a political indication. In 44 BC, the attendance of the political elites was an issue on Caesar's agenda. See Talbert 1989: 57-67.

did not agree with the arithmetical calculations that limited his freedom. In fact, as the *Lex Cornelia* of 67 BC and Sallust's *Letter to Caesar* reveal, an authoritative regulation of attendance was part of the political arsenal of the *populares* rather than a conservative ideal.[18]

In fact, a large number of members actually reduced Senate's ability to debate.[19] The Senate would thus lose its role as an expert council. It was not a group of qualified people selected through a challenging and rigorous career. Instead, it became a stock of administrators, judges and ambassadors according to the intensification of the tasks that Rome was then undertaking throughout a large portion of the known world. It is not clear whether the Roman Senate was prepared to cede its political initiative. As such, Cicero's reply to Laberius conveys a feeling of invasion: *Recepissem te, nisi anguste sederem.*[20] Cicero was not the only one to make such jests and his words neatly demonstrate that Caesar's enlargement of the Senate was not a popular move among all senators and equestrians.[21]

Political pragmatism

The increases in Senate membership carried out by Caesar and the Triumvirs were in no way linear: the number of senators consistently ebbed and flowed.

For Caesar and then later the Triumvirs, the problem of attrition grew, which reduced their legitimacy.[22] On 1 April 49, the meeting of the Senate that the proconsul had managed to muster lost a majority of its members,[23] some having followed the consuls and Cn. Pompeius Magnus across the

18 Bonnefond-Coudry 1990: 147-150.

19 On the practical conditions of the meetings during the Late Republic, see Taylor – Scott 1969: 574-582. The curia, and other meeting places were not adequate for full meetings of Caesarian or Triumviral Senate. The constant crowd of *pedarii* filled the room and impeded the 'conversational style' that was the essence the senatorial debate, to use, following L. Taylor, the words of W. Churchill about the House of Commons. For the Imperial Senate, Talbert 1984b: 113-130.

20 Sen. *Contr*. 7.3.9.

21 Macr. *Sat*. 2.3.11-12.

22 Dio Cass. 41.38.4.

23 Dio Cass. 41.15.2; for Pompeius' Senate, cf. 41.42.7 and 41.55.2. Coudry 2016: 609-624.

Adriatic, whereas others like Cicero refused to attend.[24] By the end of the year, the Senate had yet again lost additional members who had underestimated Caesar's chances of succeeding.[25]

Within the period under examination, two phases must be distinguished. Up until 47 vacancies were filled and then enrolment surpassed 600.[26] After 47 the situation was drastically different: the Roman Senate was again a unique assembly and had gained additional legitimacy, with the mission of demonstrating the reconciliation of the rivals and personifying the rebuilt city itself. The dictatorial powers that were granted to Caesar provided a new institutional basis to recruit senators. In 46 BC, the *praefectura morum* would probably have had a *lectio* as a consequence. The dictator planned for the increase in the number of magistrates, which was the occasion when he laid out his ambition of doubling the number of senators. *Lex Cassia* of 46 registered new patricians at the same time that Senate membership reached 900. Caesar was marshalling a section of the elite within the high administration that he had remade. The increase had changed the institution's significance: no longer was it meant to address problem of legitimacy, but rather offered a way to control the administration and to translate his decisions into *senatus consulta* that would provide a consensus on his policy.[27] This process was still on going when Caesar was assassinated.

It is a complex undertaking to attempt to grasp the situation at that time. The fact that Antonius and Dolabella used Caesar's documents to register *orcini senatores*[28] reveals that the members of the Senate were not arrested and that a group of *adlecti* and rehabilitated individuals (Sextus Cloelius, for example)[29] could be registered. But the consuls could influence the recruitment

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24 Cic. *Att.* 10.4.6. Shackleton-Bailey 1960: 255. A second wave of defections followed this session: Dio Cass. 41.18.4.

25 Dio Cass. 41.21.2.

26 Caesar's return from war against Pharances proved to be the turning point; cf. Dio Cass. 42.51.

27 Moreover, his swift administration did not always wait for a meeting of the Senate to take decisions and his secretary sent kings and dynasts Caesar's decree in the form of a *senatus consultum*; cf. Meier [1982] 1989: 451. These forged documents showed that Caesar was well aware that he could not rule without the Senate's authority (in theory), despite of his extraordinary powers.

28 Cic. *Phil.* 1.10.24: *De exsilio reducti multi a mortuo*; Suet. *Aug.* 35.1.

29 Cic. *Att.* 14.13A; for another example, think of Licinius Denticula / Lenticula, Cic. *Phil.* 2.56; Dio Cass. 45.47.4.

on the margins. Did Antonius truly consider offering the censorship to his uncle? This idea must have been in the air at the time, since Cicero mentions it.[30] In the tense atmosphere of 44 BC, such a plan (to exclude the senators who were not loyal to Caesar and to allow his followers to gain access to the Senate more easily) would appear more risky than useful. In fact, that would have meant giving up on the approval of the Senate and further consequences would be unpredictable. Nevertheless, Antonius could very well have spread a rumour about filling the censorship with a loyalist to keep the hostile assembly in check by means of the threat of a potential purge.

Caesar's policy was relayed to the Triumvirs

Still, without needing any arbitrary decision in June 44, the Senate started to be winnowed down. At least one third of the senators were eliminated or prevented from sitting for various reasons: departures for the provinces and armies, then the convictions of Republicans as the *hostes* of Dolabella, Antonius then Lepidus and their subordinates through the passage of the *Lex Pedia* and finally the proscription. We should not forget to add the dead from the battlefields.

The gaps left by these events were filled by means of the *lectio* in 42. Even though the census had not been fully completed, the crisis was acute and P. Sulpicius Rufus, who probably was promoted to the rank of consul by Caesar and C. Antonius Hybrida and who died during his censorship, christened many new senators who hardly had stellar credentials. The peace of Brundisium gave the Triumvirs the opportunity to increase the number of senators. According to Cassius Dio, it was at this time that the dregs of society were recruited to serve as senators.[31] That said, it should not be doubted that the enlargement of the Senate was in fact an extension of the unfinished census. Indeed, the proscription had not yet ended. It was not until 40 BC, after the end of the *Bellum Perusinum* and especially the ratification of the pact of Misenum, that outcast senators were reintroduced into the Senate on a large scale. It is certain that at that time there were 1,000 senators in the *album*.

We see then that the increase in the number of senators was no linear process, but rather enrolment fluctuated in accordance with political and military circumstances. Despite the chaos, the policy concerning the number

30 Cic. *Phil*. 2.98.
31 Dio Cass. 48.34.4-5.

of senators was maintained. Still the Triumvirs and Caesar deployed multiple means of enlarging the assembly, demonstrating their commitment to monitoring this massive recruitment process as well as the complexity of their intentions and schemes.

2. A supervised recruitment process?

Modulated and staggered recruitment

Neither Caesar nor the Triumvirs used the method that Appian tells us that Sulla had employed in 81: "He called in the Senate about three hundred from the elite of the *equites*, who were elected separately in *comitia* by the tribes."[32] According to the available evidence, it seems that Sulla's strategy consisted of selecting nine new senators per tribe; the addition of these 315 men who were added to those already registered in the *album* rounded out the membership of the Senate, which had been lacking two thirds of its members. Two types of *adlectio*, one discretionary and the other more official, passed through the *comitia* at Sulla's recommendation. This increase was closely followed by the proscriptions or took place at the same time. As such, the Senate was formed through two different processes: first, through the elimination of opponents and their descendants, and then through the nomination of new members who were loyal to Sulla.

On the contrary, the increase of membership under Caesar ended with the establishment of protocols that raised the numbers either deliberately or as secondary result. It is therefore possible to identify a large range of origins for the Caesarian senators.

There were naturally senators *ob fidem*. According to rumours fuelled by Cicero, since May 49, Caesar's closest followers could expect rewards.[33]

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32 App. *B Civ.* 1.100. Αὐτῇ δὲ τῇ βουλῇ διὰ τὰς στάσεις καὶ τοὺς πολέμους πάμπαν ὀλιγανδρούσῃ προσκατέλεξεν ἀμφὶ τοὺς τριακοσίους ἐκ τῶν ἀρίστων ἱππέων, ταῖς φυλαῖς ἀναδοὺς ψῆφον περὶ ἑκάστου. Sulla's first goal was to fill the Senate that had been reduced by two thirds (Eutr. 5.9.2; Oros. 5.22.4) and then he wanted to reshape the assembly to make it the head of the State. Gruen 1974: 8; 190-191.

33 Syme 1939: 78-96. According to Christian Meier, in the last months, Caesar considered magistracies and senatorial rank as rewards for remunerating his supporters (Meier 1982-1986: 447). A careful analysis of chronology shows, on contrary, that Caesar's motivations were much more complex.

We can point to the examples of C. Oppius being offered membership in the Senate (something that he probably turned down) or the granting the augurate to M. Curtius Postumus, who later became senator.[34] Such rewards were not handed out right away, since Caesar did not have the authority to do so.

However, the first tool used by Caesar was the granting of amnesty. In his *Commentarii* he insists on the legality of the chosen procedure: *rogationes* suggested by praetors and tribunes of the plebs, so that senators did not earn their return as a simple *beneficium*, but rather through the will of the people.[35] Multiple amnesty laws must have responded to the plurality of situations at the time; of these only the mention of a *Lex Antonia* has come down to us, but this law was certainly not unique.

Who was involved?

- Senators either convicted by a court *de repetundis* (e.g. C. Antonius Hybrida)[36] or for *ambitus* under other laws; alternatively we should include others whom the censors had stricken from the rolls.
- The sons of private outcasts of the *ius honorum* and these outcasts themselves (e.g. L. Fidustius)[37] as well as *hostes* (i.e. Q. Sertorius and Lepidus' partisans).[38]

These potential senators were already Caesar's active clients. He immediately integrated them into the Senate and their careers accordingly took off quickly. Gaius Carrinas completed the stages of the *cursus honorum* in six years and became a consul in 43 thanks to the Triumvirs.[39] During the winter of 49-48, A. Gabinius was already commanding the troops that joined Caesar in Illyria.[40]

Even in the specific case of the children of the proscribed, there were various procedures: C. Curtius did not owe his entry to the restoration of the *ius honorum* in 49, since his family was of equestrian rank and his meagre

34 Cic. *Fam. 2*.16.7
35 Caes. *B Civ*. 3.1.4-5.
36 Cic. *Flac.* 95; Gruen 1973: 308-310.
37 Plin. *HN* 7.134 for his first proscription and Dio Cass. 47.11.4 for the second. Hinard 1985: no.26 and 56; Wiseman 1975: 231.
38 Dio Cass. 44.47.
39 Dio Cass. 51.21.6.
40 App. *B Civ*. 2.59.

estate did not allow him to pursue a political career. Nevertheless, Caesar had him enter the Senate before 46.

Caesar put forward those convicted of bribery under the *Lex Pompeia* for controversial reasons: presenting the Pompeian jurisdiction of 52 as arbitrary and expeditious allowed him to distinguish himself from the "tyrants" Sulla and Pompeius. Having such men return to political life cast Caesar in a favourable light. These amnesty measures therefore corresponded to a twofold desire: to reward support and to right wrongs. It reflected a desire for reconciliation that was amplified by the reintegration those defeated at Pharsalus.

Clementia *and its impact on the Senate's composition*

Pharsalus deeply changed the problem of the Senate: the "Pompeian Senate" (which contained around two hundred *patres*)[41] had vanished and ten of its members were killed in battle. The amnesty law for imprisoned senators raised for the first time the question of how to replenish the Senate. After the battle, a decree issued by Caesar regulated its reorganisation. Those who had been imprisoned for the first time would be set free and allowed to keep their status, while those who had already once been pardoned by Caesar would now face the death penalty, except in certain cases where someone's subordinates successfully pleaded on their ally's behalf. A large swath of the public was certainly troubled by this trampling of *libertas*, since granting clemency as if it were a *beneficium* was harshly criticised, sometimes even by those who had benefited from it.[42] Brutus in 43 BC responded to Cicero's reproaches: "As long as the Senate did not make his decision and the people did not order it, I will not claim this arbitrariness."[43] The news of Pompeius' death pushed the senators to enact even more decrees, with which they legalised Caesar's decisions regarding their colleagues. All senators who returned from Pharsalus became more or less indebted to Caesar, establishing an effective way for Caesar to exert pressure on the assembly.

The return of "Pompeian" senators must have been massive between 48 and 46, since in 46 their reinstatement was decided on a case-by-case basis and was more difficult than before, as can be gleaned from Cicero's experience

41 Dio Cass. 41.42.7.
42 Dio Cass. 41.62.2-5.
43 Brut ad Cic. *Brut.* 1.4.2.

helping T. Ligarius,[44] M. Claudius Marcellus[45] and P. Nigidius Figulus.[46] The returns continued: in fact, it was on the pretext of pleading the cause of a brother in exile that the conspirators isolated Caesar before launching their attack on him.[47]

Clementia also came to be a pillar of the Triumviral senate after the difficult period between 43 and 41 BC. From 39 BC onwards, the composition of the Senate resembled that of Caesar's. With the exception of Caesar's murderers, all senators from opposing factions could take up their former role. As evidenced by L. Scribonius Libo's position as a praetorian and consul designate in the S.C. of Plarasa Aphrodisias dating to October 39,[48] the reclassification of proscribed senators was automatic and effective immediately. This accounts for the addition of at least 100 individuals. The resumption of the war with Sextus Pompeius mitigated the effects of this *clementia* only marginally. In the absence of an observer of Cicero's calibre, it is difficult to say how this coexistence functioned. But in 32, it can be observed that the consuls had divergent histories[49] and that heated debates brought the formerly proscribed and former Caesarians into conflict.[50]

Clementia was therefore inevitable, but also an obstacle to the domination of the assembly. Could the new senators blunt the adverse effects?

A composite or synthetic Senate?

The celebration of the quadruple triumph gave Roman soldiers and citizens, who were stupefied by the influx of new senators, the opportunity

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44 Cic. *Lig.* 1.1; Plut. *Cic.* 39.5-6.

45 Cic. *Marc.* 6-7; Cic. *Fam.* 6.6.10.

46 Cic. *Fam.* 4.13.

47 It was Tillius Cimber; see App. *B Civ.* 2.117. On the perverse consequences of *Clementia*, Cristofoli 2000: 109-120.

48 In the fourth place, just after Appius Claudius, designated for 38 BC, and Nonius Asprenas for 36 BC; cf. Reynolds 1982: no.8.

49 As Cassius Dio (51.2.4) brings to the fore; on Cn. Domitius Ahenobarbus' tribulations, see Suet. *Ner.* 3.2.

50 Sergius and C. Coponius, who were previously proscribed (App. *B Civ.* 4.6.45. and 4.6.40) and then saved by Antonius, opposed the Caesarian L. Munatius Plancus for his attack on Antonius' policy, his revelation of Antonius' (Vell. Pat. 2.83.3) and to the S.C. sentencing Antonius to civil death for the first.

to mock them.[51] Romans from Cisalpine Gaul were scoffed at as ignorant Gallic people in songs and jokes. Other new senators came from Hispania, like L. Decidius Saxa and his brother. Though apart from the Balbi,[52] Saxa[53] and C. Appuleius Tappo,[54] most of these new senators were Italians from the equestrian order[55] or were *domi nobile*s.[56] The origin of these new senators smacked of the Sullan recruitment, though without any sort of automatic promotion. Indeed, the registration of new senators did not result in a standard promotion as had been the case in the process mentioned by Appian for 81 BC. Rather, it looked like successive waves of recruitment, even for the recruitment of new equestrians. The first wave happened after Pharsalus and was meant to replace those killed in the battle.[57] It is probably in 48 that C. Curtius, son of the outcast, was chosen by Caesar.[58] After this, the most important wave took place in 46, when Senate enrolment had reached 900 members.[59] Afterwards, in a third phase of increased enrolment, the quaestorship served as the institution for generating new senators, though we cannot discount that some individuals were promoted based on a recommendation from Caesar. In 44, for example, the Campanian Cocceius Flaccus from Beneventum was *quaestor lectus a divo Caesare*, an honour claimed by his wife Mineia.[60] In a similar procedure, the Triumvirs used "suffect" quaestors to admit new members to the Senate more quickly.[61]

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51 Suet. *Caes*. 80; Dio Cass. 43.20.1.

52 Cic. *Balb*. 57.

53 Cic. *Phil.* 13.27.

54 *CIL* 1².814; *CIL* 5.862 = *D*. 906 = *InscrAqu*. 1. 29 = *ILLRP*, 436. T.P. Wiseman added one name T. [Co] minius Longinus (1965: 159-160), but this seems to be a very uncertain hypothesis.

55 Aelius Lamia, for example, may be one the *equites* promoted just after Pharsalus; see Nicolet 1974: no.10, 762-765.

56 C. Albuttius Laco was from Anagnia. P. Alfenus Varus (cos. 39 BC) had an obscure origin (Porphyry assigned to him the verse from Horace, mocking any cobbler named Alfenus; Hor. *Sat*. 1.3.130) but he was one of the disciples of the jurist Servius Sulpicius who boasted of a distinguished education (Pomponius, *Dig.* 1.2.2.44. Aul. Gell. 7.5.1).

57 Dio Cass. 42.51.5.

58 Cic. *Fam*. 13.5.2.

59 Dio Cass. 43.47.5.

60 *ILP* 85. I follow M. Torelli's restoration: (Torelli 1980: 105-106): *[-----f.] C.n.|[---] C [quaesto]ri lecto|ab div[o Caesa]re, legato| M' Ota[cili Crassi] in Bithynia|pro p[r agros de Ap] amea divisit|Min[eia M.f.] uxor*.

61 Dio Cass. 48.53.1-2.

The plurality of measures for this and the build-up that took place over a five-year period brought men into the Senate from multiple social backgrounds and various political stripes. We could find members from the previous Senate, irrespective of their actions and allegiances during the civil wars.[62] To these senators who had already held the rank and were now in debt to Caesar, the dictator added the active part of the equestrian order whose progressive absorption seemed natural, the Italian *domi nobiles* from loyalist cities, Sullan colonies[63] and descendants of Italian insurgents;[64] finally, we must include the promotion of citizens from provincial colonies. There was nothing necessarily scandalous about this, except the promotion of citizens from Cisalpine Gaul and Hispania: while these provinces did provide a good pool of potential candidates for political promotion, what rubbed certain Romans the wrong way was how their recruitment to the Senate did not go through the usual channels and filters of the patron-client system.[65]

In the end, the Senate became a disparate and complex body which contemporaries questioned from all sides. We cannot doubt that there was an increasing number of complaints as the extension of the Senate progressed; such criticism reveals the arising conflicts in senatorial opinion and more generally among the Roman public. Bitterness based on the rapid promotion of socially and geographically marginalized people was counterbalanced by the bitterness for those who expected the victor of the civil wars, who had once been a champion of the privileges of the plebeians, to act more firmly, either regarding laws or rewards.

This less homogenous composition of the Senate and the body's progressive extension prove that Caesar's policy cannot be reduced to simplistic or arbitrary ideas, though he did undoubtedly look out for his own personal

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62 The list was very long; all of the noble families could count a member of the Caesarian Senate: Acilli Glabriones; Aemilii Lepidi, Claudii, Marcelli, Nerones, Pulchri; Cornelii Lentuli, Sullae, Livii Drusi, Manlii Torquati and Pompeii.

63 The Flaminii, the Rufreni and an anonymous family (*CIL* 11.1837) came from Arretium; L. Ninnius Quadratus from Pompeii. The Nonii Asprenates as well as the Labienii were from Picenum, but were loyal to Rome.

64 P. Ventidius Bassus, C. Asinius Pollio and his brother were well-known examples; we could also add to the list, Q. Poppaedius Silo, Ventidius' legatus during the war against Pacorus (Dio Cass. 48.41.1), Statius from Samnium and Domitius Apulus.

65 But some senators went from Cisalpine Gaul before Cesar's recruitment as testified by C. Poblicius; cf. Wiseman 1965: 158.

interests and those of his supporters. Indeed, there was a marked tendency to promote his own: his family, closest friends and supporters all gained from his success. That said, the need to win over large parts of the Senate through his *beneficia* was still of paramount importance.

More importantly for Caesar, there was still a marked desire to not carry out vengeance, which he perceived as a major political wrong that had led to the civil wars. Such a position is patent in a speech that was originally delivered in 46 and then fleshed out significantly by Cassius Dio in his history: "*patres*, let us unite our interests with confidence, forgetting these events as if carried by a supernatural force, and let us start loving each other without suspicion as if we were new citizens."[66] This topic was also stressed by Cicero in his speech of thanks for Marcellus' amnesty. Cicero pointed out that it was a consistent policy that was applied without exception.[67] Far from a naïve inclination or proof of cynical hypocrisy, the policy of clemency that Caesar used to reduce the hazard of further civil wars and that he maintained until his last breath was ubiquitous in the Senate. The *album* was the synthesis of all the factions and parties from the Roman past: in the *album* we can find the famous family names and trace the great conflicts of the past, as well as identify new social groups that had previously been left on the fringe of politics and would certainly have stayed there without Caesar's intervention.[68]

Naturally, the reconciliation policy made it so that Caesar alone was in charge of getting the wolf, sheep and cabbage across the river without any problems. Having one person imbued with such responsibility over the entire *res publica* was excessive and dangerous: he became the target of all discontent.

The number of senators was not therefore the token of a well-controlled and disciplined Senate. We can analyse Caesar's assassination and the reversal of the Senate in 43 for the benefit of the Liberators as a failure. But this would only be part of the truth, as we shall see later.

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66 Dio Cass. 43.27.1.

67 Cic. *Marc.* 31-32: "The republic has at last come to the end of this miserable and fatal war; that man has been victorious who has not allowed his animosities to be inflamed by good fortune, but who has mitigated them by the goodness of his disposition; and who did not consider all those with whom he was displeased deserving on that account of exile or of death" (translation from C. Yonge, London 1891).

68 The idea of a Senate that would be the synthesis of the parts is argued by E. Gruen for the aftermath of Sulla (1974: 8).

In the Triumviral Senate, the composite nature of the body went even further without being the result of a clear political policy. There are several reasons for this. First, the Triumvirs were forced to make mutual concessions and were constrained by implicit competition. Their attempt to purge unwanted members (i.e. the proscription) was a relative failure,[69] since it radicalized the opposition and had to be backtracked.[70] In the end, they had to deal with the previous Senate, which they could not dissolve. Moreover, despite their control of the main magistrates, they encountered issues of inertia and public opinion. This meant that they could not propose anyone to the high offices, since this person would still be judged by public opinion; accordingly, a poor choice would reflect poorly on them. As a result, they were forced to enter into a real political game.

In addition, though a senator could get his position thanks to Caesar or the Triumviri, this did not guarantee that senator's obedience. The cases of M. Caelius Rufus in 48, Cornelius Cinna and Lentulus Spinther's son in 44 as well as M. Titius in 31 BC make this point forcefully.

Submissiveness was not simply a matter of numbers but also of structure.

3. Remodelling the Senate

Changing the size of the Senate was one way to water down the power of one's adversaries. Cicero and Sallust's analyses underline a truth: the Senate had an internal functioning that allowed a minority group to bring up the collective decision. Cicero called those senators *auctores consilii publici*.[71] To influence or even take control of this steering committee and give it back its unity after the divisions in 49, 43 and 32 BC seemed like the prerequisite to bring policy to fruition and establish one's supremacy.

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69 Hinard (1985: 301-303) demonstrated the formidable effectiveness of proscription: 134 senators were victims of the proscription and 69 died from as a consequence of their conviction before Misenum. The political body was deeply affected, probably more deeply than sources allow us to know. But the failure consisted in the political deadlock that resulted from the outright exclusion of senators who gave the assembly its identity.

70 Cassius Dio (48.36) points to the pressure that forced the Triumvirs to conclude agreements reminiscent of the proscribed.

71 Cic. *Fam*. 12.2; Coudry 1989: 645-655.

The creation of a new elite by Caesar and the Triumvirs?

The Senate that Caesar summoned on 1 April 49 had lost its leaders who had all sided with Pompey.[72] Cicero, just like Cotta and other *auctores consilii publici*, refused to take part and did not attend. Only three *consulares* were found at the meeting: L. Calpurnius Piso,[73] L. Iulius Caesar[74] and L. Volcacius Tullus consul in 66 BC and *primus rogatus*.[75] The *consulares* who had sided with Caesar, like L. Calpurnius Piso, did not give up their *libertas*: Calpurnius Piso did not hesitate to criticise Caesar, denouncing his crossing of the Rubicon and the sneaky sabotage of the embassy to Pompey. This "Rump Senate" was in no way a useful tool.[76]

From this degraded situation in the hands of Caesar, Cicero admitted three years later in 46 BC that no one was able oppose Caesar in the Senate, since he always obtained a majority of votes for his laws.[77] For a long time, Caesar' methods were more cautious than what we might expect, judging from the tension that characterized the last months between the dictator and the *patres*. Speaking of events from 46, Cassius Dio notes the following:

> All this and all he was planning for the greater good, he did not do it through sheer authority nor by his own advisors but for all he contacted the chiefs in the Senate or even the whole assembly. Through this method more than anything could he succeed in satisfying them even for complicated measures.[78]

External factors, such as the military situation, explained the Senate's coalescence, but its internal composition and its new divisions surely played

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72 Dio Cass. 41.6.1; 7.1; to get an overview of the *nobiles* in the Caesarian party, Syme 1939: 59-77 and in the whole war, Shackleton-Bailey 1960: 257-264.

73 In January, he proposed to go as part of an embassy to Caesar (Caes. *B Civ*. 1.3.2). Caesar insisted on him staying in Rome: Cic. *Att*. 7.17.3. Cic. *Fam.* 14.14.2; *Att.* 7.13a.1. However, Piso was not a senator committed to Caesar, a fact for which the latter reproached him (Dio Cass. 41.16.4).

74 Caes. *B Civ*. 1.8.1.

75 Cic. *Fam*. 8.15.2; 4.4.4.

76 Caes. *B Civ.* 1.32-33; Dio Cass. 41.15.2-4.

77 Cic. *Fam*. 9.15: *An minus multa senatus consulta futura putas, si ego sim Neapoli? Romae cum sum et urgeo forum, senatus consulta scribuntur apud amatorem tuum, familiarem meum*.

78 Dio Cass. 43.27.1. For the *senatus consulta* in his favour, see Dio Cass. 43.14. 2-7. On Caesar's policy towards the Senate, we can see his programmatic speech (largely rewritten by Cassius Dio) at Dio Cass. 43.15.1-18.6.

an important part: the abundance of new senators and the caution of those who had been reinstated were crucial factors.

Still Caesar undertook to restructure not only the base but also the senatorial elite. The death of his enemies helped him a good deal in this regard, since debates were no longer so conflictive or hostile. Cicero regretted this lack of criticism and freedom.[79] But the new monotony also had its supporters.

The Caesarian *consulares* took the Senate's reigns. Were they capable enough? In 44 Cicero judged them harshly. Still, some of them had solid influence over the Senate in the Caesarian period and at the beginning of the Triumvirate. Caesar's colleague P. Servilius Vatia in 48 BC proved to be a formidable consul. He proved his tactical acumen in constant bouts with M. Caelius. He even restored a form of authority to the Senate, though with military force.[80] Marcus Aemilius Lepidus and Antony had some political weight. Other consuls suffered from the circumstances of their elections, though they were neither mediocre nor novice individuals. These consuls' backgrounds were rather diverse: half of them being patricians[81] or *nobiles*,[82] the other half being *homines novi*, like Q. Fufius Calenus, P. Vatinius or C. Trebonius.[83]

Close to these consuls, predecessors who remained active still had a role to play. For many, their relationship with Caesar was obvious. [84] The *consulares*

79 Cic. *Fam*. 9.15.1.

80 Dio Cass. 42.23-24.

81 Q. Fabius Maximus hailed from the patrician Fabii and was consul in 45 BC. Nevertheless his legitimacy was very much contested, because he was example of the new generation of *suffecti* (Suet. *Iul*. 80.3). M. Aemilius Paulus, master of horse and consul, came from the patrician Aemilii and was a kind of second-hand man for Caesar as the newly discovered *Fasti* of Privernum have pointed out.

82 P. Servilius Isauricus and M. Antonius; also P. Cornelius Dolabella because he renounced his patrician rank.

83 Although in most cases it was their military qualities that earned them the consulate, they were former tribunes known for their popular commitments. For the following years, the appointed consuls were capable magistrates who had given pledges to the confidence of Caesar: A. Hirtius and C. Vibius Pansa, D. Junius Brutus Albinus and L. Munatius Plancus.

84 Aurelius Cotta, Domitius Calvinus, L. Volcacius Tullus (cos. 66), Calpurnius Piso, L. Caesar, L. Marcius Philippus (cos. 56) and Valerius Messala Rufus (cos. 53). The links they had with Caesar were obvious: for Cotta, Piso and Caesar it was the kinship; Calvinus was loyal; L. Marcius Philippus had been very close to Cato, but he was also an *adfinis* of Caesar and had overseen the education of C. Octavius, his son-in-law and Caesar's grandson.

were not an unanimated block, since they exercised their own free will. Concerning the issue of recalling M. Claudius Marcellus, L. Volcacius Tullus opposed Caesar's *clementia*, while Calpurnius Piso pleaded for his return. [85] This wonderful debate gave the Senate legitimacy without alarming Caesar, since under questionable circumstances M. Claudius was assassinated before entering the assembly.[86]

Nevertheless, the consulship was not enough to rebalance a Senate whose base was disproportionate, even with extended powers. The situation was ameliorated by the extension of the praetorship and aedileship, but also by the arbitrary creation of consular ranks: in 44 BC, ten praetorians were elevated to this rank.[87] Cassius Dio considered it as a form of elevating people without merit, but that would have been an overly direct method to recreate an elite class within the assembly and to relieve pressure on the consulship, which, as a result, would be harder to obtain (instead of having a one out of five shot, that figure would change to one out of twenty). The names of the happy few are unknown, but we can suppose that P. Sulpicius Rufus, who had only held the praetorship but was nevertheless chosen as censor in 42 BC, was one of them. [88]

The Triumvirs seem to have been free to select consuls and used all the tools at their disposal to make quick promotions. The liberal use of suffect consulship allowed them to fully and sustainably fill in gaps, since sometimes the consuls were very young.[89] Still, these choices appeared to be surprising, given that some who expected to become consuls never achieved the honour, or only did so at a much later date, such as Volcacius Tullus Minor who became consul in 33, twelve years after his praetorship.[90] At the same time, *homines novi* were propelled forward without having previously been senators. The archetypal example was Salvidiennus Rufus, who died before taking

85 Cic. *Fam*. 4.4.3-4.

86 Cic. *Fam*. 4.12.

87 Suet. *Iul*. 76.5.

88 J. Suohlati thought that this choice was motivated by haste and improvisation (1963: 492-494 no.177). However, I have argued that Rufus had symbolic capital and was firmly linked to Caesar's party (Ferriès 2007: 522).

89 For a nuanced conclusion on the choice of *homines novi*, see Pina Polo 2018: 104-110.

90 He was *praetor urbanus* in 46 BC (Cic. *Fam*. 13.14; *AE* 2005: 1487) and consul thirteen years later (*InscIt* 13.1: *Fast. Ven*. p. 251 and 254-255; *Fast. Mag. Vic*. p. 283; 288; Front. *Aq*. 1.9; App. *Illyr*. 27; Dio Cass. 49 *index;* 49.43.6).

office.[91] We know nothing of the merits of L. Flavius and very little about Laronius apart from his Sicilian saga. A closer look at the prosopography shows that true *homines novi* from the equestrian order were born in families such as the Statilii Tauri, whose financial and economic basis and relations with senatorial families like the Sisennae were stable. C. Memmius, L. Cornificius, C. Sosius, and T. Peducaeus were from praetorian families who entered the Senate before the Caesarian promotions.

Apart from concessions between the Triumvirs, we can observe a sort of balance within the consular pairs: patricians and *nobiles* counterbalanced the promotions of newcomers.[92] We can distinguish different phases in the Triumviral period: blunt promotions of loyal followers up until 39 made it appear that the consulship was little more than a reward for recent service.[93] The year 38 BC constituted a turning point, since all consuls were members of famous families, whether patricians or *nobiles*.[94] This year seems to have

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91 Vell. Pat. 2.76.4.

92 In 37 BC it was M. Vipsanius Agrippa, T. Statilius Taurus and L. Caninius Gallus who were promoted. A Q. Marcius, the second for this noble *gens*, was consul the following year with L. Gellius Publicola (also of noble lineage) and was the colleague of another Cocceius, M. Cocceius Nerva, ancestor of the emperor. L. Nonius Asprenas, who hailed from a family that newly entered the Senate (perhaps rehabilitated after Sulla's proscription), completes the list. The consuls of 35 are of high rank: for the *ordinarii*, we know that P. Cornelius Dolabella sat besides Pompey's cousin; the *suffecti* were L. Cornificius, and T. Peducaeus went from a family who had given pledges to the Caesarian party. In 34 BC, the *nobilis* L. Scribonius Libo became consul with the patrician L. Sempronius Atratinus, after Antonius' resignation. Then, Paullus Aemilius, son of L. Aemilius Paulus (cos. 50), and C. Memmius issued from a praetorian family, who claimed the consulate in 54 BC, succeeded them; about his colleague, M. Herennius, we cannot say anything because the investigation on his origin is so complex that it seems a desperate case. In 33, L. Volcacius Tullus was issued from a consular family, but his colleagues and successors were L. Vinicius, the first of a family that had a prodigious destiny, and also Q. Laronius, L. Flavius, totally impossible to identify, unlike more expected names such as the industrious Fonteius Capito who, like the Cocceii, often acted as intermediaries between Caesarian factions. The *nobilis* M. Acilius Glabrio stood beside the son of the frustrated consul of 65, L. Autronius Paetus. In 32, Cn. Domitius Ahenobarbus, from a long line of consulars (since 192 BC), was the colleague of Sosius, who was from a praetorian family. Their successors, M. Valerius Messala and L. Cornelius Cinna, were both patricians. The following year M. Valerius Messala Corvinus, M. Titius, Cn. Pompeius Q.f. were consuls. In 30, M. Tullius Cicero junior was consul.

93 In fact, except for L. Marcius Censorinus, the consuls of 39 BC were *homines novi*: P. Alfenus Varus, C. Cocceius Balbus, and above all C. Calvisius Sabinus, Sabinus the Muleteer; see Syme 1958: 73-80. On the process which favoured *homines novi*, see Rohr Vio 2004-2005: 19-46.

94 Millar 1973: 52 and n. 15: "in the following years such irregularities were greatly reduced."

marked a close to the "revolutionary" period, since between 37 and 34 members from famous families were paired with newcomers. While in the last years of the Triumvirate reliance on the *suffecti* increased, the large diversity of social backgrounds was nevertheless maintained.

The waves of new consuls during the Triumviral period did not establish a monolith. It seems the leadership of the Senate was longer the sole domain of elites (even less so than in the Caesarian period): more than half of the Triumviral consuls were from outside the *nobilitas*, and about two thirds were from families that were promised that they would be promoted within the senatorial hierarchy sooner or later. After the Pact of Misenum, successors of honourable and famous families were promoted. Then, the period in which having the consular rank was closely affiliated with having a connection to a Triumvir passed quickly. Despite its losses, the consulship became more accessible than it had been at the end of the Republic; this shift took place without wiping out ancient families, including those with ambiguous records, such as the Scipiones, Messalae, Ahenobarbi or Claudii.[95]

Success and resistance: a nuanced assessment of the Caesarian and Triumviral approaches to the Senate.

Were the Caesarian and Triumviral consulars docile individuals? Any answer ought to be tempered. Indeed, in 44 BC only three of the conjured were of consular rank: C. Trebonius, D. Brutus Albinus and Caepio Brutus, who were *consules designati*. Considering how long it took Cicero to have Antonius and then Lepidus named as *hostes* proves the consular elite was globally faithful to Caesar. In his correspondence, Cicero complained about resistance to his policy from all senators with consular rank,[96] despite spectacular but ephemeral disagreements, such as the one with L. Calpurnius Piso in August 44 BC. [97]

Still, although isolated among the consulars, Cicero sought to shift the senatorial opinion, despite it being modified in turn by Caesar. A major

95 It is of some interest to compare (without being influenced by the general assertions of our literary sources) the composition of the Triumviral Senate with that of the period after Sulla (Gruen 1974: 193-210). The distance between them must be relativized.

96 Cic. *Fam*. 12.2. 3; Ferriès 2007: 93-95

97 Cic. *Phil*. 2.100 but no senators supported him (Cic. *Att.* 16.7.5-7 and *Fam.* 12.2.1).

tactical element came from the ambiguity of the consuls in 43 BC who settled accounts with Antonius while being true to Caesar. But Cicero's main success resided in the gradual inability of Caesarians with consular ranks to train other senators.[98] Accordingly, Q. Fufius Calenus was a weak *primus rogatus*.[99] This was not the case with P. Servilius Isauricus, who was clearly effective, but his growing inability to make himself heard by the assembly should be explained by the military context, which was not favourable to his party; he lacked good news to relay, unlike Cicero. After Modena, a small group of consulars rallied behind the damnation of Antonius and then Lepidus as *hostes*, whereas others remained neutral, like Piso. This fracture was not the cause but rather the consequence of a preferred course of action for the liberators who were powerful enough to impose their view on the Senate.[100] However, one of the consulars was leading those events, a clear benefit for Cicero's strategy: L. Iulius Caesar. Cicero gave Lucius the title of *princeps senatus*, which had fallen into disuse since the time of Sulla.[101] In fact, during the first months of 43 BC, Lucius Caesar played a prominent role, resulting from the order of those who could speak in debates. On three occasions, he spoke first: 1 January, 43 against the *VIIviri*;[102] on 2 February he voted in favour of his nephew, Marcus Antonius, though he recommended that the Senate not follow his example;[103] finally, on 8-10 March of the same year, he had the initiative of the *senatus consultum* against Dolabella, then formalized by Cicero.[104] On the contrary, P. Servilius Isauricus remained faithful to the Caesarian side, even after the defeat.[105]

Which senators "betrayed" the memory of Caesar? Most of the senators that followed Cicero in 43 BC did not come from Cato or Pompeius' partisans. We cannot explain their position only in terms of *factio* or social networks.[106]

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98 On Cicero's strategy to undermine the influence that Q. Fufius could exercise over senators, see Ferriès 2014: 355-356.

99 Ryan (1998: 329-331) has shown that Fufius had been defeated on his *sententiae* more than ten times.

100 To follow, step by step, the defeat of Antony's party in the senate, see Ferriès 2007: 80-97.

101 Coudry 1993: 103-134.

102 Cic. *Phil*. 4.14.

103 Cic. *Phil*. 8.1.

104 Cic. *Phil*. 11.19-20.

105 Cic. *Phil*. 14.7. Cic. *Fam*. 10.12.3-4.

106 We can perfectly explain the conspiracy against Caesar in terms of ideals and point out that part of the group was structured by family and other networks. However, this is not

One more parameter, related to the composition of the assembly, requires our attention. The recruits of Cicero were mostly of praetorian rank. They were a secondary elite of the *ordo.* The praetorians were not seen as a uniform group, though they had all been disappointed by Caesar's policy.[107] Descendants from old praetorian families, like the Tremelli Scrofae (after seven and even eight generations in this rank), were treated equally with the new praetors, who swiftly increased in number thanks to Caesar's policies. Ambitious praetorians from old and noble families were frustrated to miss the consulship after choosing the wrong side. Newcomers bypassed them, and those yearning for the consulship mourned to see its power devalued. These contradictory frustrations were added to their political acuity. Though circumstances, whether political, social or financial, may not have allowed them to reach the consulship, they were still capable of analysing politics. More than anyone, these men had learned from the Senate and lived through all the adventures within its walls. Most of them were the heirs of senators who had entered the body during the time of Sulla, were well trained in political matters and steeped in senatorial traditions and values. Four years of dictatorship had not entirely destroyed this political culture.[108] It is in this much diversified composition of the Senate that the majority of the body could be found. Magistrates could cooperate with a group composed of leading senators, but they still needed to convince the praetorians and they could not be taken for novices whom a well written speech would easily deceive. They were the major benefactors of reopening the political field that had been cleared of a prince or an influential lobby.

Those who followed Cicero did not all choose a party. Many believed in their deliverance and a renewal of the *auctoritas senatus* as a referee for parties, as a result of the absence of Caesar, Lepidus, Antonius and Dolabella. The consequences were terrible for a large majority of praetorian senators (about 30 outcasts in number) versus two consuls (Aemilius Paullus and Cicero), one censor (L. Iulius Caesar) and a dozen tribunes.[109]

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true for all the conspirators and cannot provide an explanation for the political fluctuations of the Senate. Roberto Cristofoli explained this situation through Caesar's failure to remodel the senatorial ideology (Cristofoli 2000: 118-119). As we have seen, this aim was probably far from Caesar's thoughts and this point of view seems a little too contemporary to explain motivations.

107 More than the base that Rémy thought constituted Cicero's first support (1934: 460-463).

108 Achard 1981: 25-26.

109 Hinard 1985: 301-303.

In following years, the Triumvirs did not forget this aspect of the crisis and they paid more attention to praetorians. In 40 BC, all praetors were forced to resign and were then replaced. After Misenum in 38 BC, 67 praetors were selected.[110] It did not mean that there was a desire to create a new base devoted to their rule, policy and decisions. On the contrary, these promotions organised the return of a certain number of outcasts back into public life, as can be exemplified perfectly by L. Plinius Rufus.[111] This completed the selections for the consulship and confirmed a certain extent of powers *pro praetore* that were given between 44 and 39. This measure was not only a catch-up method but also a *beneficium*. When in 33 BC the crisis with Antonius reached its final stage, Octavianus paid special attention to those with praetorian power. This much is known thanks to two decisions: he removed the praetor L. Asellius, who, because of an issue with his son, was then incapable of assuming his responsibilities, and proceeded to elect another praetor for just one day.[112]

Despite being under heavy pressure from armies around Rome (sometimes even around the *curia* or with armed senators within its walls) and despite the threat of proscriptions or of becoming the victor's prey, the Senate never ceased to deliberate and required reports, explanations and sometimes justifications from the Triumvirs.[113] The Triumvir Lepidus justified the proscriptions in front of the assembly.[114] While answering the Senate's questions in 41, he announced the Triumvirs would back down, which was immediately countered by Octavianus. The Triumvirs' control was not a given, for they had to persuade the majority through speeches and also through their actions outlined in their proclamations. The Senate was not merely a rubber stamp. The crisis in 32 BC proved that senators were still a force that the Triumvirs had to govern with and to convince despite their intervention.[115] Nevertheless, in 32 BC the situation was not exactly the same as it had been in 49: Antonius did not threaten with

110 Dio Cass. 48.43.1. See Pina Polo's chapter in this volume.

111 *ILLRP* 426; D. 889: *Mag(no) Pompeio Mag(ni) f(ilio) Pio imp(eratore) augure / co(n) s(ule) des(ignato) / por[ta]m et turres / L(ucius) Plinius L(uci) f(ilius) Rufus leg(atus) pro pr(aetore) pr(aetor) des(ignatus) f(aciendum) c(uravit).*

112 Dio Cass. 49.43.7-8.

113 Millar 1973: 52-58.

114 Suet. *Aug.* 27.3. Lepidus spoke for the end of the proscription, but was contradicted by Octavian.

115 Plut. *Ant.* 64.1; App. *B Civ.* 4.6.45; Vell. Pat. 2.83.3; Dio Cass. 51.2-5.

anathema the senators who remained in Rome and he promised, in case of victory to resign his powers. Octavianus, however, had to wait for reports that military matters had turned in his favour to obtain Antonius' conviction. These elements explain the freeing up of the political game in 32. The senators were, at that very moment, the referees for the *contentio dignitatis* that opposed Octavianus and Antonius. This senate, decried and despised by later sources, was therefore far from being a weak assembly, kept merely for appearance's sake and devoted to servility. On the contrary, F. Millar pointed out that, during the Triumviral period, "the Senate acting without the *populus* in substantive matters appears even more frequently."[116] This growth of its competencies would not be countered in the aftermath of civil wars.

4. Conclusion

To conclude, it is necessary to temper our opinion about the Senate during the Caesarian and Triumviral periods. It remained the heart of the *res publica* and neither the dictator Caesar nor the Triumvirs could afford to govern without its approval.[117] Of course, one can suppose that Caesar and the Triumvirs enlarged the Senate to build up a majority and break ancestral solidarities by bringing in people who would have to repay the *beneficium*, as Lily Ross Taylor, André Chastagnol and Emilio Gabba have argued. But these strongmen's means of pressure and room for manoeuvre were not limitless, as Christian Meier has emphasized.[118]

As a matter of fact and as tradition maintains, Romans expected advice from senators, though neither the Triumvirs nor Caesar hoped for senators to truly show the diversity of their opinions and, to an even lesser degree, to express disavowal of their political interests. Still, any servile obedience would disqualify their action and legitimacy; in other words, in the public's view, it would be better to have an oppositional Senate than a subservient one.

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116 Millar 1973: 54. Laffi 1993: 47-50 insists on the indispensable control of the Senate as crucial for the functioning of the state. De Martino 1993: 74-75 also expresses the importance of the Senate for the Triumvirs' legislative work and the contrast between its 'constitutional' authority and its structural weaknesses.

117 Gabba 1998: 117-118; 126-127.

118 Meier 1982-1986: 402, 405; 424; 434.

In addition, for every Roman the Senate was a mirror of an ideal society.[119] The *patres* had the duty of putting forward a good example. The introduction of *pedarii* of obscure origins was not unanimously tolerated and recruiting praetorians and consuls from the margins of society was very unpopular. Then again, there had to be a balance between recruitment and maintaining the traditional role of conservative elites. But in the end, an overstuffed Senate had more disadvantages than advantages: it put forth a negative image of the Triumvirs without the advantage of being able to totally control the Senate. It was a devalued bargaining chip to pay its supporters and it forced the Triumvirs to bid even higher.

Those arguments justified the decision to gradually return to a smaller assembly. This decrease, which was difficult to get many senators to accept, once again made the Senate a narrow elite and was intended to restore confidence in the institution.[120]

However, Octavianus was reaping the benefits of the previous period of having a larger Senate: without this, he would not have had such a wide choice of advisors from various backgrounds who, importantly, felt blessed to remain senators despite everything.

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119 Gruen 1974: 162-163.

120 Dio Cass. 52.14. Talbert 1984a: 55-56.

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II
WAR AND PEACE

THE NOTION OF *BELLUM CIVILE* IN THE LAST CENTURY OF THE REPUBLIC*

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I

'Not all roads,' David Armitage tells us, 'lead from Rome in the formation of modern political vocabulary, but a great many do. Among them are some of the most enduring ideas in the contemporary lexicon, including liberty, empire, property, rights – and civil war.'[1] In Armitage's reconstruction of the history of the notion of civil war, it was the Romans of the late Republic who invented the idea. 'The Romans were not the first to suffer internal conflict but they were the first to experience it as civil war.'[2] He identifies three peculiar traits that distinguish civil war from other forms of internal conflict, such as, for example, *tumultus*, *dissensio*, or *seditio*. These are the possession of arms and the adoption of the rules of war (of which trumpets and standards are visible signs); the adoption of conventional warfare, which functions as its means; and political control over the commonwealth, which acts as its end.[3]

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1 Armitage 2017: 21.

2 Armitage 2017: 31.

3 Armitage 2017: 57. On the issues concerning the definition of civil war see Börm – Mattheis – Wienand 2015: 18.

The two main Roman ideas of civil war that persisted throughout the centuries, Armitage argues, are first, the idea that a civil war is a war that takes place within the boundaries of a single political community, and second, that there should be at least two competing parties, one of which could put forward a legitimate claim to authority over that community.

Armitage's book is just one of a recent flourishing of scholarly works on civil war(s) in Rome, as well as in other periods, within the historical and political sciences. Some focus on defining the nature of the conflict, considering the styles of military operation, the length of the war, or the number of those killed. Others centre their attention on its effects, concentrating, for example, on issues of disintegration and reintegration.[4]

This essay focuses on a particular aspect, the collocation *bellum civile*, first attested in extant texts around the mid-first century BC, and come to prominence in Roman political language from the 40s onwards. My aim is twofold: first, to shed light on the historical agents that prompted the increased frequency of the phrase's use to the detriment of other vocabularies of political dissension and strife; second, to show what this change in frequency and overall shift in the language of domestic conflict reveals about the ways in which the Romans conceived their civic and political community.

The rise to prominence of the phrase *bellum civile* in the first century has long been noted by scholars. By investigating the language of war in Rome, these authors established a hierarchy of idioms concerning civil strife according to their descriptive negative force, and in which *bellum civile* takes pride of place.[5] Most recently, studies focusing on the term *bellum civile* in the first century BC have highlighted the flexibility of its use. According to these works, this ranges from analytical tool to partisan slogan, in response to immediate circumstances and contingent rhetorical strategies, thereby enabling contemporary actors to position themselves in the current political struggle.[6]

However, these studies do not address the reason why previous internecine conflicts that afflicted the Roman Republic did not propel the creation and

4 See Osgood 2015 and Börm – Mattheis – Wienand 2015 with review by Lange 2016. Amongst the most noteworthy contributions on the Triumviral period of civil wars in Rome see Osgood 2006 and Welch 2012.

5 Jal 1962; 1963: 27-32; 1964; Rosenberger 1992.

6 Brown 2003: 120; Cornwell 2018 as a tool to position oneself in the struggle for power; Van der Blom 2019 focusing specifically on Cicero.

use of the phrase *bellum civile* – and it remains rather unclear in what way, if any, the allegedly late flourishing of Roman historiography and political thought might have had an impact on the elaboration of this phrase without affecting the elaboration of terms such as *dissensio*, *discordia*, or *seditio*.[7] Most importantly, however, none of the previous studies seems to be interested in asking what the coinage of this new phrase and its coming to prominence in the political language of the early 40s and the Triumviral period tell us about the nature of the Roman political world of the time.

This essay focuses on the growing salience of the collocation *bellum civile* from the 40s onwards, the corresponding atrophy of the declaration of *hostis*, and the resultant rise to prominence of the vocabulary of peace.

By describing their internal conflicts as acts of *dissensio*, *discordia*, *seditio*, I argue, the Romans indicated an understanding of their civic community as a unitary entity. If an individual (or a group) developed a different sentiment from the rest of that community, their elimination would lead to the re-composition of the harmonious state of the primary community. By adopting *bellum civile* as a descriptive phrase of normative value, the Romans emphasised a conceptualisation of their community as a body starkly divided into two entities, where one section of society aimed to prevail over the other and annihilate it. The sole possible conclusion of a civil war was *pax*. However, in the 40s, peace did not mean the restoration of internal cohesion but rather the affirmation of one group over another, that is the victory of one section of the community and the defeat of the other. A pivotal moment for this shift in the conceptualisation of the community took place on November 27th 43BC with the enactment of the *lex Titia*, which provided legal validity to the power of Anthony, Lepidus, and Octavian.[8]

The conceptual transformation of internecine struggles from acts of *discordia* to a fully acclaimed *bellum civile*, I argue, was due to three main factors: the senate's progressive loss of political legitimacy paired with its corresponding acquisition by the Triumvirs, the transformation of the army, and the elite's inability to find adequate institutional solutions to manage conflicts and foster consensus. This normative description of the conflicts, which showed a different conception of the commonwealth from that articulated earlier and

7 A cursory look at the recent edition of the *Fragments of the Roman Historians* 2013 may easily disprove this argument.

8 On its relation to the Sullan episode, see below.

prevalent till the 60s, could entail only one form of conclusion: the prevalence of one group over the other. This kind of peace, borne out of the victory, was a state of non-violence, which provided the winning side with almost a blank canvass, open to its design.

II

As scholars have repeatedly observed, the first attestation of the Latin collocation *bellum civile* appears in the published version of Cicero's *pro lege Manilia*. This speech, delivered in 66 BC, supported the granting of extraordinary powers to Pompey to fight Mithridates, the king of Pontus. To convince the audience that Pompey was the best general in Rome, Cicero enlists all his successes in chronological order, beginning with his victories in the civil war of the later 80s BC.[9] This was Rome's first civil war, when a Roman general ahead of the army crossed the *pomerium*, the sacred boundary of Rome, and marched on the city.[10]

It seems that by the mid-60s the phrase *bellum civile* had firmly, albeit infrequently, entered the political lexicon of the Republic often to describe the civil war(s) of the 80s, and gained common currency from the 40s onwards.[11] Although it may not be certain that the collocation *bellum civile* was first coined by Sulla,[12] it is clear that for the ancients, the Roman civil war par

9 Cic. *Leg. Man*. 28. For an analysis of this passage see Steel 2001: 140-147. Most recently, Van der Blom 2019.

10 App. *B Civ.* 1.55-96, Plut. *Sull*. For an interesting reading of Sulla' war and the establishment of 'a new Republic' see Flower 2010: 80-96 and 117-134 and Steel 2013: 122-131.

11 For mid-first century attestations see: Cic. *Leg. Man*. 28 (66 BC); *Cat*. 3.19 (63 BC); *Fam*. 5.12. 2 (= SB 22) (55 BC) where an impatient Cicero discusses Lucceius' work, a *historia Italici belli et civilis*, presumably covering the period from 91 down to 81 BC. See also Cic. *Fam*. 4.3.1 (= SB 66) (51 BC) where Ser. Sulpicius Rufus refers to earlier civil wars as exempla to avoid. See also Cic. *Tusc*. 5.56; *Div*. 2.53; Vell. Pat. 2.28.2; Auct. *Vir Ill*. 77.1; Eutr. 5.4; 5.9. Rosenberger 1992: 40 and 150-151, who postulates that contemporaries may have traditionally referred to these wars by using the name of the enemy, *bellum Sullanum* or *bellum Marianum*,. See also Flower 2010: 77-80.

12 On Sulla's autobiography see Smith – Powell 2009; Flower 2014. On the idea that the phrase was indeed coined by Sulla Lange – Vervaet 2019. According to Brown (2003: 104), the term had been coined earlier on the model of *emphulios polemos* to describe the Greek civil wars of the Hellenistic period. Armitage 2017: 57 following Brown's second proposal suggests that the term was modelled on the legal category of *ius civile*.

excellence was the war initiated by Sulla, from which they began to recount historically this kind of conflicts.[13] As Appian famously stated, when Sulla marched on Rome in 88 BC and engaged in a battle against the Marians, 'a battle took place between the contending parties, the first that was fought in Rome with trumpet and signal under the rules of war (*polemos*), and not at all in the likeness of a faction fight (*stasis*).'[14]

The point Appian makes is important since it reminds us that this was certainly not the first time Rome had experienced civil strife – Rome was, after all, a city founded on fratricide.[15] Ancient sources unanimously agree that the first time since the establishment of the Republic civil strife - *dissensio*, *discordia*, *seditio* - ended with the loss of citizens' blood was in 133BC with the murder of the tribune Tiberius Gracchus, episode followed eleven years later by the not dissimilar demise of his brother Gaius Gracchus. The Romans perceived the Gracchan events as the end of social and political consensus and the beginning of the end of the Republic.[16]

Varro, in his biography of the Roman people, claims that when Gaius Gracchus removed the responsibility of the *quaestio repetundarum* from the senators and handed it over to the equestrian order, he 'made the citizen body two-headed, the origin of the civil discords' (*bicipitem civitatem fecit, discordiarum civilium fontem*).[17] Even more revealingly, Dionysius of Halicarnassus, writing at the very end of the first century BC, and perhaps using Varro as his source, states: 'from the time that Gaius Gracchus, in the exercise of his tribunician power, destroyed the harmony of the commonwealth, they have never yet ceased from killing each other and driving each other out of the city, not refraining from any irreparable act in the pursuit of victory.'[18]

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13 Van der Blom 2019: 121-122.

14 App. *B Civ.* 1.7.58. On the paradigmatic value of Sullan war as civil war see also Isid. *Orig.* 18.1.3. The Sullan wars of the 80s had gained an exemplary value as civil wars; Cic. *Phil*. 8.7; 13.2; 14.23. On the relation between *bellum civile*, *polemos* and *stasis* see Born 2016, Armitage 2017, Straumann 2017, and Lange 2017.

15 On the idea of a Roman curse see Hor. *Ep*. 7, 19-21. See also Hor. *Sat*. 1.6.48, 1.7.18-35, *Carm*. 2.7.9-12, *Ep*. 2.2.46-51.

16 Wiseman 2010.

17 Varro *De vita populi Romani* fr. 114 Riposati = Pittà108. Cf. Flor. 2.121.4; 3.17.3. On Varro's views of civil wars see Pittà 2014 [2018]. Cf. August. *De civ. D.* 19.12. On the passage of the *quaestio repetundarum* to the *equites* see App. *B Civ.* 1.22.91-92.

18 Dion. Hal. 2.11.2-3. On the nature of the account to which this passage belongs, the so-called 'constitution of Romulus', see Gabba 1960, Balsdon 1971, and Wiseman 2009: 81-98.

Thus, according to Dionysius, by exercising his tribunician powers, Gaius Gracchus destroyed the harmony of the commonwealth (the *homonoia* of the *politeia*) – the *concordia* of the community, a Roman would have said. Appian too, as well as Velleius Paterculus, referred to the Gracchan episodes as the moment of political strife that marked the end of *concordia*.[19]

To deal with the situation, the Romans implemented an important procedure, the so-called *senatus consultum ultimum*. The 'ultimate advice of the senate' consisted in a unilateral declaration of a state of emergency by the senate, which entrusted the safety of the Republic to the hands of the magistrates 'to see to it', the formula recites, 'that no detriment befall<s> the commonwealth.' Proposed, but most likely not implemented against Tiberius Gracchus, the *senatus consultum ultimum* was first proclaimed in 121 BC against Gaius Gracchus.[20] Its ultimate aim was the safety of the *res publica* and the elimination of *dissensio* and *seditio*, whose antonym was *concordia*.[21]

Late Republican intellectuals, such as Varro, understood *concordia* as deriving etymologically from *cor congruens*.[22] *Cor*, the heart, was thought of as the place for the soul and feelings. *Congruens* comprised *cum*, which expresses the idea of convergence, and the verb *gruo*, which, attested only in this form of the participle in this compound, indicates 'to move towards, to converge.' It follows that, to the ancients, *cor congruens*, hence *concordia*, meant a dynamic convergence of sentiments.[23] As long noted in scholarship, the Roman idea of *concordia* was modelled on the Greek notion of *homonoia*. However, in Rome, ancient authors claimed that c*oncordia* was best secured

19 App. *B Civ.* 1.2.4-5 and Vell. Pat. 2.3 with emphasis on the killing of Tiberius Gracchus as propeller of *discordiae civium*. See also Cic. *Rep.* 1.31. For an interesting discussion of these passages see Wiseman 2010. For Sallust, after the fall of Carthage and the fear of the enemy removed, 'the way was clear for pursuing rivalries, there arose a great many riots (*plurumae turbae*), insurrections (*seditiones*), and in the end, civil wars (*bella civilia*)', instigating the beginning of *discordia*, *avaritia*, and *ambitio*. Sall. *Hist.* 1.12M = Aul. Gell. 9.12.15, August. *De civ. D.* 3.17; see also Sall. *Hist.* 1.11.M = August. *De civ. D.* 2.18. Cf. Varro *de vita populi Romani* fr. 121 Riposati = 115 Pittà and fr. 122 Riposati = 116 Pittà. As Pittà observes 2014 [2018]: 26, although in the extant text of *de vita populi Romani* there is not an explicit connection between moral decay and the outbreak of civil war, the emphasis on these two themes in the surviving fragments may strongly suggest a causal nexus in Varro's thought. On Sallust and civil war see López Barja de Quiroga 2019.

20 Von Ungern-Sternberg 1970 and 2008; Arena 2012: 200-220.

21 Akar 2013: 45-9 on the antonyms of *concordia*.

22 Varro *LL* 5.73.

23 Akar 2013: 37-40.

by the mixed and balanced constitution that, informed by a combination of distributive and corrective justice, guaranteed all members of the community their fair share of profit. Mindful of this, all fellow citizens could conduct their life in a state of contented satisfaction, working in harmony to achieve what they recognised to be the common good. 'As in music', Cicero reports Scipio saying in the *de re publica*, '… a certain harmony must be preserved among different sounds, harmony that … is made pleasing and concordant by the proportionate arrangement of very different voices (*isque concentus ex dissimillimarum vocum moderatione concors tamen efficitur et congruens*), so too the commonwealth is made harmonious by agreement among very different people brought about by a reasoned balance of the upper, the lower, and the intervening orders, just as if they were musical tones (*ex summis et infimis et mediis interiectis ordinibus ut sonis moderata ratione civitas consensu dissimillimorum concinit*). What musicians call harmony in song is concord in a commonwealth, the strongest and best bond of safety in any republic; and such concord can never exist about without the aid of justice.' (Cic. *Rep*. 2.69). Building on Plato's musical analogy and the Pythagoreans' notion of proportionality, Cicero explains political consensus and the ensuing *concordia* as harmony amongst different social groups (*ordines*).[24] Just as harmony is produced in music by a proportionate blending of high, middle, and low notes, which are dissimilar from one another, so concord is produced in the commonwealth by the common agreement (*consensus*) brought about by a proportionate blending of dissimilar social groups.

The need of *concordia* for the effective working of the commonwealth is also attested in a speech that both Livy and Dionysius of Halicarnassus attribute to Menenius Agrippa to end the so-called struggle of the orders and reconcile the plebs with the *patres*.[25]

Building on the metaphor of the body politic, Menenius Agrippa is made to underline the importance of co-operation, based on an agreed consensus amongst all the members of the civic body. Trying to end the conspiracy of the body parts against the belly (when the hands did not carry food to the mouth, nor the mouth accept anything that was given it, nor the teeth grind up what they received),[26] Menenius Agrippa is reported to propose the accomplishment

24 Arena 2012: 81-116; Akar 2013: 33-36.
25 Liv. 2.32.8-12; Dion. Hal. 6.83-86.
26 Liv. 3.32.10.

of *concordia* by, on the one hand, the assignation of certain powers to the people and, on the other, the wider acceptance of the leadership of the senate and its role in redistributing resources. By the co-operation of all parts of the commonwealth and the distribution of benefits according to their contribution, these authors argue, the commonwealth is able to achieve socio-political harmony and, in turn, function and prosper.

This emphasis on *concordia* shows a conceptualisation of the Republican community as a society for which it is not sufficient that members of the community co-exist in the same place without violent antagonism, but rather it is essential that they share a unanimity of intents. In this conception of political community, it is important that all members of society are governed by an ordered political structure, grounded in the political and ethical standards of justice, liberty, and *fides*.[27] As Benjamin Gray states in his work on Greek stasis, '*homonoia* [and, I would add, its Roman counterpart, *concordia*] intrinsically required a much greater level of consensus: "one-mindedness" demanded a coalescence in views about fundamental issues such as legitimate laws, political interests and ethical values … [that is, it required] collective endorsement of, and interaction within, a sophisticated framework of both institutions and ideals, especially ideals of justice, citizenship and equality.'[28]

III

In the first century BC, alongside vocabularies such as *discordia*, *dissensio*, and *seditio*, the phrase *bellum civile* entered the Roman political lexicon and, as far as it is possible to ascertain on the basis of available evidence, its use rose to prominence from the 40s onwards.[29] It fitted the description of the

27 Gray 2017. It is not a coincidence that Cicero, who made of the notion of *concordia ordinum* the ideological banner of his consulship, did not present the Catilianarian conspiracy as civil war, but rather as the rebellious act of a handful of people against the fatherland (Cic. *Cat*. 3.19: the conflict is described as *bellum civile ac domesticum* in the response of the *haruspices*). Van der Blom 2019: 123-128.

28 Gray 2017: 70.

29 See Cic. *Att*. 14.13.2 (= SB 367) (44 BC); 14.20.3 (= SB 374) (44 BC); 16.1.4 (= SB 409) (44 BC); *Fam*. 16.12.2 (= SB 146) (49 BC); 2.16.1 (= SB 154) (49 BC); 15.15.2 (= SB 174) (47 BC); 9.6.3 (= SB 181) (46 BC); 4.3.1 (= SB 202) (46 BC); 4.4.2 (= SB 203) (46 BC); 12.18.2 (= SB 205) (46 BC); 6.12.3 (= SB 226) (46 BC); 4.7.2 (= SB 230) (46 BC); 4.9.3 (= SB 231) (46 BC); 6.6.4–5 (= SB 234) (46 BC); 11.29.1 (= SB 335) (44 BC); 11.3.3 (= SB 336) (44 BC); 11.27.2, 3, 8 (= SB 348) (44 BC); 11.28.2 (= SB 349) (44 BC); 10.31.2 (= SB 368)

actions of Sulla, a Roman citizen who marched on Rome against his people, whose action was perceived as fundamentally different from any previous act of conflict, which could be described as *discordia*, *dissensio*, and their cognate terms.[30]

Bellum civile was a term with a negative evaluative function: a civil war could never be a just war and no triumph could ever be awarded as a result of victory in a civil war. Those who wished to celebrate their success over their fellow citizens had to resort to ingenious ploys to advertise publicly their victory over other members of their civic community.[31] As Wolfgang Havener has shown, Sulla implemented a true innovation when, celebrating his triumph over Mithridates in 81 BC, he combined the parade of the spoils from the Pontic war on the first day with the display of the treasure that Marius had taken and of prominent citizens he had saved from his domestic enemies on the second day.[32] In so doing, Sulla set an important precedent that was then followed by Caesar, amongst others.[33]

As a way to overcome the ideological uneasiness inherent in the idea of civil war, in 88 BC the Romans resorted, for the first time, to the declaration of *hostis*. This new institutional procedure may have conceptually sprung from the pronouncement of the so-called *senatus consultum ultimum* but was, crucially, distinct from it.[34] Citizens whom the senate perceived as

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(43 BC); *Ad Brut*. 8.2 (= SB 6) (43 BC); 23.10 (= SB 23) (43 BC); 25.4 (= SB 26) (43 BC); *Marc*. 12; 18; 24; 29 (46 BC); *Brut*. 329 (46 BC); *Lig*. 28 (45 BC); *Tusc*. 1.90, 5.56 (45 BC); *Div*. 2.24; 2.53 (44 BC); *Off*. 1.86; 2.29 (44 BC); *Phil*. 2.23; 2.37; 2.47; 2.70 (44 BC); 5.5; 5.26; 5.39; 5.40; 7.6; 7.25; 8.7; 8.8; 9.34; 13.1; 13.2; 13.7–9; 13.9; 13.23; 14.22–24 (43 BC). For Sallust's uses see *Cat*. 16.4; 47.2 with analysis by López Barja de Quiroga 2019.

30 See, for example, Cic. *Phil*. 13.1; Cic. *Fam*. 16.11.2 (= SB 145); Sall. *Hist*. 1.12; Tac. *Hist.* 1.46.

31 On triumph recently Lange 2013; Östenberg 2013 and 2014.

32 Plin. *HN* 33.16. Cf. Plut. *Sull*. 34.1 Havener 2014: 167-169. See also Lange and Vervaet 2019. On triumphs in the age of civil war, see Lange 2016.

33 As Appian reports (*B Civ.* 2.101), in 46 BC on his return from the war in Africa, Caesar celebrated four successive triumphs over Gaul, Egypt, Pharnaces, and Juba; although Roman names were not inscribed in his triumph, episodes and men of the civil war were represented in the procession by various images and pictures. See also Dio Cass. 43.19.2-3. Caesar's triumph over the Pompeians after Munda in 45 BC was too met with disapproval: Plut. *Caes*. 56.4; Dio Cass. 43.42.1.

34 On Sulla's introduction of the declaration of *hostis* see Cic. *Brut*. 168; Liv. *Per*. 77; Val. Max. 1.5.5, 3.8.5; App. *B Civ.* 1.60. See also Ungern-Sternberg 1970, Gaughan 2010 and Allély 2012.

acting against the interests and safety of the *res publica* were considered as alienating themselves from the community and were therefore no longer its members. Consequently, they were divested of any citizens' rights. These individuals, whom, the Romans thought, were deranged, were therefore considered public enemies, on par with citizens of any foreign power hostile to Rome.[35]

The Romans were fully aware that this vocabulary performed a descriptive as well as an evaluative function.[36] The choice of application of a term to describe an action was considered far from a trivial matter, as the phrase applied to describe one's enemies and the kind of war in which one was engaged had a direct impact on the way in which the Romans would have dealt with it. The notion of civil war was a weapon in itself and one that could change the way in which reality might be perceived and action taken. As David Armitage rightly observes, the idea of civil war may look descriptive but is (and was), in fact, 'firmly normative, expressing values and interpretations more than any stable identity.'[37] In 43 BC, while Cicero strove to have Anthony declared a *hostis* and a state of war acknowledged, Lucius Caesar argued for replacing the word *bellum* with *tumultus* and for labelling Anthony as *adversarius* ('adversary') rather than *hostis* ('public enemy'): 'I consistently called', Cicero says before the senate, 'Antonius a public enemy, while others call him an adversary; I consistently called this a war, while others call it a public emergency.'[38] The use of *bellum*, Cicero contends, was thwarted by the other senators, whose aim was not only to reject the change of the name of the conflict (from *tumultus* to *bellum*), but also the change of its very nature from an insurgency to outright war. In so doing, the senators were rejecting the course of action that would otherwise have followed if the conflict had been classified as a war. The choice of vocabulary was not a matter of empty rhetoric.

Cicero had already argued in favour of a declaration of *hostis*, when, at the instance of Gaius Pansa, his proposal had been defeated because of the

35 Jal 1962 and 1963b. On Cicero's use of this argument against Anthony see Cic. *Phil.* 2.1; 2.2; 2.51; 2.64; 2.89; 3.6; 3.14; 3.21; 4.1; 4.2; 4.5; 4.6; 4.8; 4.11; 4.14; 5.5; 5.21; 5.25; 5.27; 5.29; 5.37; 7.9; 7.10; 7.11; 7.13; 7.15; 8.6; 8.13; 8.32; 10.21; 11.3; 12.8; 12.17; 12.19; 13.5; 13.14; 13.21; 13.32; 13.35; 14.1; 14.4; 14.6; 14.7; 14.9; 14.10; 14.12; 14.20; 14.22; 14.26; 14.27; 14.36; 14.37; 14.38.

36 Skinner 2002, I: 175-187.

37 Armitage 2017: 18. See also 233.

38 Cic. *Phil.* 12.17.

asperitas of the term 'war.' Lucius Caesar's proposal prevailed and, 'in withdrawing the frightful word, he was milder in the language than in the actual proposal.'[39] However, on April 21st 43 BC, Cicero returned to the subject, demanding that the senate declare Anthony *hostis*: 'those who are enemies in fact must be branded such in words, declared enemies by our votes. Previously when I used the terms "enemy" and "war," they repeatedly removed my motion from the list of motions to be put to a vote; that cannot now be done in the present case.'[40] Cicero states that since the senate is granting a *supplicatio* for Hirtius and Pansa's victory over Anthony and since this public thanksgiving cannot be granted in a civil war, it follows that Anthony is, ipso facto, a *hostis*. Therefore, he argues, the war against him is a *bellum externum*, even if the senate has not fully appreciated it.[41]

When Caesar crossed the Rubicon, it became patently clear that Republican legitimacy was now in crisis and that, conceptually, a serious blow had been inflicted on the notion of the unity of the commonwealth: each section of the community, Pompeians and Caesarians, saw the other as rebellious and illegal and their contemporaries described the clash as civil war.[42] However, although he engaged in a war that Varro will describe as a *bellum horribile*,[43] Caesar himself was not yet prepared to construe his actions as initiating a civil war. Nor did he wish to present himself as fighting a *bellum civile*: in 49 BC, he claimed the opposite,[44] and in his official representation of the conflict, which he calls *civilis dissensio* and *secessio*, he describes the Pompeians as *inimici* ('personal enemies'), and *adversarii* ('opponents'), not *hostes* ('foreign enemies').[45]

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39 Cic. *Phil*. 8.1.

40 Cic. *Phil*. 14.21.

41 Cic. *Phil*. 14.21-5.

42 Cic. *Fam*. 16.12.2 (= SB 146) to Tiro; 2.16.1, 3 (= SB 154) to Caelius Rufus; 9.6.3 (= SB 181) to Varro; 4.4.2 (= SB 203) to Ser. Sulpicius; 4.7.2 (= SB 230); 4.9.3 (= SB 231) to M. Marcellus; 6.6.4–5 (= SB 234) to A. Caecina.

43 Varro *de vita populi Romani* fr. 120 Riposati = 114 Pittà.

44 Caes. *B Civ.* 1.9.5.

45 Raaflaub 1974: 192-200 and 234-239. On the distinction between *inimicus* and *hostis* see Gaertner – Hausburg 2013: 186: the latter is not only a public enemy (as opposed to private), but also entails a direct and violent confrontation (as opposed to a hostile attitude). On Caesar's use of the term *bellum civile* see *B Civ.* 2.29.3-4 and 3.1.2-4 with Brown 2003: 113-118, Grillo 2012: 112-117, and Osgood 2019. On Caesar's title see Kelsey 1905; Rosenberg 1992: 176-179, and Damon 2015.

The rejection of the re-description of one's opponent as *hostis* by a section of society generated an ideological confusion on the kind of conflict in which one was engaged and inflicted a serious blow on the notion of the unity of the commonwealth: in a community experiencing civil war, one's opponents could be either *cives*, fellow Romans, or *hostes*, foreign enemies, outsiders to one's community.[46]

In the political context of the mid-40s, just after the assassination of Caesar, Cicero attempts, once again, to hold on to and revive the now illusory view of a homogenous community that, united in sentiment, aims at defending the commonwealth against those who wish to destroy it and who are therefore not worthy of membership.[47] Thus, in 43 BC, he describes the conflict against Antony not as a war between two distinct parties but as the struggle between the *res publica* and one individual, akin to an attack on the united commonwealth by a *hostis*.[48] Reviewing all the civil wars Rome had so far experienced, Cicero claims that all those wars had their origins in political disputes. However, in the current civil war, 'for the first time there is no division or discord among citizens, but on the contrary the utmost consensus and extraordinary unity' in defending 'laws, courts of law, freedom, wives, children, and our native land' against the attempt of Anthony 'to regard the plunder of the Republic as a cause for war, to squander one part of our possessions and to parcel out the other among traitors.'[49] The conclusion of this strife, Cicero in vain hopes, will re-establish the *concordia* of the community.

IV

In the aftermath of Caesar's murder, it was clear that Republican legitimacy had been deeply shattered and the ensuing intestine conflicts could not have been plausibly described as a *dissensio*.[50] In his fight against Anthony, Cicero insisted on issuing a declaration of *hostis* against him from the

46 See Roller 1996 for a very sophisticated reading of Lucan's civil war along these lines.

47 For an exhortation to *concordia* in the aftermath of Caesar's death see also Varro *De vita populi Romani* fr. 124 Riposati = 110 Pittà and the horror of the civil war fr. 119 Riposati = 13 Pittà.

48 Cic. *Phil*. 5.32. Cf. Cic. *Att*. 7.13.1 (= SB 136).

49 Cic. *Phil*. 8.7-8 with Manuwald 2007: *ad loc*. On Anthony no longer a citizen, as he had acted against the community see Cic. *Phil*. 3.12; 5.21; 6.16; 7.5; 13.1-2.

50 For an account of this period see Rawson 1994: 468-490 and Welch 2012: chap. 4.

beginning of 44 BC. By doing so, he was trying to navigate a phase of ideological confusion where a war – to all intents and purposes, a war against another fellow citizen – could be re-described as a war against an external enemy. This ideological move would have allowed him to think about the civic community as a unitary entity, or more precisely, as a body from which the corrupt limb should be amputated, as in the case of Caesar.[51] However, the conflict was, *de facto*, a civil war and the *hostis* declaration seemed to be losing effectiveness, and, above all, its relevance. The main reason for this decreased effectiveness, I argue, lies in the rupture of Republican political legitimacy; this fracture, already present, was fully enacted by the passage of the *lex Titia*, granting special powers to the Triumvirs.

From an ideological point of view, the enactment of the *lex Titia* in November 43 BC sanctioned the breakdown of the notion of the commonwealth as a community whose members worked harmoniously together for the common good. This conceptual shift marked the end of the ideal constitutionally embodied by the mixed and balanced constitution, the triumph of internal division, and the need for the violent subjugation of one section of society over the other. From a lexical standpoint, it was marked by the salience of the notion of *bellum civile* and its antonym *pax*.

The fundamental issue is that Anthony, Lepidus, and Octavian received their power by the granting of a comitial law, which, although enacted without regard for the customary regulations, could have been broadly perceived as being in line with the Republican modus operandi.[52] According to this law, the Triumvirs were chosen 'as commissioners and correctors of a sort, for the administration and settlement of affairs, and that not as permanent officials, they pretended, but for five years, with the understanding that they should manage all public business, whether or not they made any communication about it to the people and the senate, and should give the offices and other honours to whomsoever they pleased.'[53]

However, as ancient commentators state, despite the declared intent of quelling civil war, the primary reason for their agreement was to take vengeance

51 On Caesar see Cic. *Off.* 1.27. On Anthony see Cic. *Phil.* 3.28; 4.12; 4.14; 5.37; 6.7; 7.27; 8.9; 8.13; 10.22; 11.1; 12.26 on which Manuwald 2007: 426–427. On the notion of *hostis* in regard to the conception of the whole *res publica* see Moatti 2018: 229-240.

52 App. *B Civ.* 4.2.7.

53 Dio Cass. 46.55; App. *B Civ.* 4.2 and 4.8-11. See discussion in Lange 2009: 18-26.

on their enemies and secure their own power.[54] As Dio Cassius put it, behind their pretended agreement lay the wish for mutual assistance in taking vengeance over their opponents, 'for the purpose of securing sovereignty and overthrowing their enemies.'[55] Taking on this extraordinary magistracy, prima facie in line with Republican tradition, to disguise their oligarchic position, the Triumvirs provided the contemporaries with the impression that 'they were all going to rule on equal terms, but each having the intention of getting the entire power himself.'[56]

The fact that they only wished to further their power and were, de facto, engaged in a civil war did not escape their contemporaries. Appian comments that in other civil wars the agreement of those in power brought the conflicts to an end but the coalition between Anthony, Lepidus, and Octavian sowed further division. As a result of the proscriptions, 'it seemed most astounding to them [the contemporaries], when they reflected upon it, that while other states afflicted by civil strife had been rescued by harmonising the factions, in this case the dissensions of the leaders had wrought ruin in the first instance and their agreement with each other had had like consequences afterwards.'[57] Nor did the true nature of the conflict evade Hortensia, as attested in the speech attributed to her by Appian. Speaking for other women too, she rejected taxation, stating that, in the past, women had subsidised the military efforts of their country during wars against external enemies. However, on this occasion, they would never contribute, Appian reports her saying, since this is a civil war, and women would never assist the Triumvirs in a war against fellow citizens and one another.[58]

The magistracy of the Triumvirs was closely reminiscent of Sulla's, bestowed on him by the *lex Valeria* in 82 BC, with the explicit intent 'to write laws and put the *res publica* back in order.'[59] Although the two offices crucially differed in terms of the timing of their appointment (one approximately after a military crisis, the other at its very beginning), the two positions shared,

54 App. *B Civ.* 4.6-12 and 4.27; Dio Cass. 46.55.3-56.2.

55 Dio Cass. 46.54.

56 Dio Cass. 47.1.

57 App. *B Civ.* 4.3.14.

58 App. *B Civ.* 4.33: Hortensia explicitly refers to the conflict of the Triumvirs as civil war. On the speech see most recently Hopwood 2015 with previous bibliography.

59 On the *lex Valeria* and Sulla's dictatorship see Vervaet 2004. Hinard 2008: 49-54 argues in favour of Sulla's simpler remit as *dictator rei publicae constituendae* under the terms of the Valerian law.

amongst other features, the use of proscriptions. This was a prerogative granted to them by law and inherent in their appointment, which rendered legal the killing of Roman citizens without the appeal to *provocatio*.[60] As their edict on proscriptions makes clear, the Triumvirs consciously repudiated the policy of clemency adopted by Caesar, openly proclaiming their desire for revenge, and explicitly modelling themselves on Sulla. [61]

However, although this manner of eliminating one's opponents may have derived from previous Republican tradition, it differed drastically from the declaration of *hostis* as it was informed by a different conceptualisation of the civic community. Based on the recognised power of those in charge, proscriptions pursued the complete annihilation of other fellow citizens. By enacting them, the Triumvirs did not eliminate their adversaries to recompose the original *concordia* of the community. Invested of their power by a comitial law, they could plausibly present themselves as the true and sole representative of the *res publica*, who rightfully needed to eliminate the opponents to prevail.

This is the main reason why, I argue, there was a change in the use of the declarations of *hostis* in the course of the 40s. Between 49 and 40 BC, it was adopted almost systematically against individuals; however, from 43 BC onwards, it began to be also directed against whole groups of soldiers who were declared enemies of Rome alongside their general (and who were offered the ultimatum to abandon him), and then gradually disappeared, being adopted one last time most probably in 40BC.[62] However, rather than a trivialisation of this institute, as Allély puts it, it would be more appropriate to talk about its 'speaking atrophy'. To be implemented effectively, the declaration of *hostis* required a shared conceptualisation of the commonwealth as an homogenous community, characterised by *concordia*, 'one-mindness', and the desire to expel the individual who did not conform to its standards of justice, liberty, and *fides*. When such ideal could no longer be plausibly held, the pronouncement

60 On Sulla's proscriptions as a legal ratification to kill arbitrarily see Cic. *Leg.* 42 Cf. Cic. *Leg. agr.* 3.4; *Verr.* 2.3.82. On the Triumvirs' proscriptions as an intrinsic element of their magisterial mandate Liv. *Per.* 120. On proscriptions Hinard 1985. On Appian's narrative see Gowing 1992: 247-269. For a comparison between the powers of Sulla and those of the Triumvirs see Sordi 1993.

61 App. *B Civ.* 1.97. On the restoration of the rights of the children of the proscribed by Caesar see Vell. Pat. 2.28.4; Plut. *Caes.* 37.2; Suet. *Caes.* 41.2; Dio Cass. 41.18.2; 44.47.4.

62 On these declarations against group of soldiers see, for example, App. *B Civ.* 4.10. Full discussion on this and subsequent uncertain uses of the declaration of *hostis* see Allély 2012: 112-115.

of someone as *hostis*, lost its ideological foundation, since both sides could credibly advance claims to sole legitimate power either on the basis of senatorial decrees or of a comitial law. In this sense, the declaration of *hostis* went through a 'speaking atrophy,' a progressively less frequent use, which reveals much about the way contemporaries thought about their own community.

In this civil war, both sides could put forward claims to powers, which could reasonably be perceived as legitimate. Alongside the claims of the Triumvirs of being formally chosen by the people to set the Republic in order,[63] the opposite side could plausibly (and legitimately) present the cause of his side as truly Republican. As Cassius Longinus is reported to have said before the battle at Philippi, the soldiers should not believe that they are fighting for an individual general but, rather, for the Republic: 'you are not now the soldiers of Cassius, or of Brutus, but of Rome … fighting only for the freedom of the senate and people of Rome.'[64] Cassius adopted a similar argument in his address to the Rhodians, who seemed to have taken a stance against Brutus and Cassius. Bound by treaty to support Rome in case of need, Rhodes, Cassius reminds them, could not refuse its assistance to his cause, when the senate was held captive by tyrants.[65] This is a war - Cassius continues, addressing Archelaus, his former teacher in Rhodes - but it cannot be considered a civil war. In the case of civil wars, he states, each side aims at supreme power. This is, he argues, a war between the Republic and the monarchy: one side aims at liberating the country; the other at ensliving it.[66]

Addressing his soldiers, Lucius Antonius too presents the Triumvirs as tyrannical: 'Lucius made a speech to the citizens, saying that he should visit punishment upon Octavian and Lepidus for their lawless rule, and that his brother would voluntarily resign his share of it and accept the consulship, exchanging an unlawful magistracy for a lawful one, a tyranny for the constitution of their fathers.'[67]

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63 App. *B Civ.* 4.2.8. On the authenticity of the edict see Gowing 1992: 251-252 and Osgood 2006: 63-64 with previous scholarship.

64 App. *B Civ.* 4.12.98. Cf. 4.12.90. On the authenticity of the speech and his relation to its (Latin) source(s) see Gabba 1956: 219; 1958: ix-xxii; Gowing 1990; Westall 2015: 152-155.

65 App. *B Civ.* 4.9.66.

66 App. *B Civ.* 4.9.69. Cf. App. *B Civ.* 4.12.96: in a speech before the battle, Cassius adds, 'the two sides do not decide to take up arms for the same reason—the enemy aiming at monarchy and despotism, as their proscription already proves, while we seek nothing but the mere privilege of living as private citizens under the laws of our country made once more free.'

67 App. *B Civ.* 5.4.30. On the authenticity of the speech Lange 2009: 27-29.

Thus, it appears that in 43/42 BC, the rupture of the commonwealth was complete, now delineated in the starkest of contrasts: Cassius, Brutus, and Sextus Pompeius could claim that they were legitimately invested with their powers by decrees of the senate; equally, the Triumvirs could contend that their powers had a legitimate foundation in a comitial law, which granted them the ability to avenge Caesar. [68] The acquisition of oligarchic powers by the Triumvirs had corresponded to the loss of legitimacy on the part of the senate and any means to foster political consensus had failed.

Although no one still wished to be perceived as fighting a civil war, the generals of the Triumviral period were now prepared to accept, if necessary, that this was indeed the kind of internal conflict with which they were engaged. Addressing the senate and the equites, before his fight against Lucius Antonius, Octavian is reported to have said: 'I am not fond of fighting in civil wars except under dire necessity, or of wasting the remainder of our citizens in conflicts with each other; least of all in this civil war, whose horrors will not be announced to us from Macedonia or Thrace, but will take place in Italy itself, which, if it becomes the field of battle, must suffer countless evils in addition to the loss of life. For these reasons I hesitate. And now I do still protest.'[69] The *hostis* declaration that transformed conceptually a domestic war in a *bellum externum* was no longer necessary.

As Dio Cassius comments, the battle of Philippi proved to be a tremendous conflict that surpassed all previous civil wars, not because of its greater number of combatants nor their valour, 'but because now as never before liberty and popular government were the issues of the struggle … on the present occasion the one side was trying to lead them to autocracy, the other side to self-government … but the people at one and the same time triumphed over and were vanquished by themselves, defeated themselves and were defeated, and consequently they exhausted the democratic element and strengthened the monarchical.'[70]

In Roman civil wars, the defeated could only be the Romans, 'for they were no longer capable of maintaining harmony in the established form of

68 App. *B Civ.* 4.9.70, who, however, does not refer to the *lex Pedia*. For the claims of the Triumvirs see App. *B Civ.* 4.12.90.

69 App. *B Civ.* 5.3.28. Cf. Dio Cass. 48.1-15.

70 Dio Cass. 47.39. On Philippi marking a dramatic shift in the history of the period see Tac. *Ann*. 3.76.1.

government.'[71] In other words, according to Dio Cassius, civil wars were born out of the inability of the citizens to identify a system, institutional or otherwise, which was able to preserve *concordia*.

V

The outcome of a *bellum civile* was peace.[72] At the time of the establishment of the Triumvirate, *concordia* between all members of the civic community was no longer an ideal of the whole commonwealth: it now meant the harmonious agreement between the Triumvirs.[73] The conclusion of a *bellum civile* could only be brought about by the complete defeat of the enemy. The antonym of *bellum civile,* which emerges as the dominant concept in the political discourse of the 40s, was *pax*, not *concordia*.[74]

In his correspondence in 49 BC, Cicero, as Hannah Cornwell has noted, uses *concordia* eight times and *pax* thirty-eight times.[75] As the certainty of war was more apparent (since by January 11th Caesar had crossed the Rubicon and had been declared *hostis*), *pax* became the only true alternative.[76] In 44 BC, a coin minted by L. Buca depicted a personification of Peace as a veiled female bust with a diadem.[77] For the first time, this was accompanied by an identifying legend, PAXS, on the obverse and the joined hands of *fides* ('trust'), on the reverse. The first appearance of PAXS as a personification on coins seems to reflect the term's growing prominence in the political discourse of the time.

The longing for the end of civil wars and the establishment of peace was widespread in 40 BC, as Virgil shows in his fourth *Ecloge*.[78] To celebrate the treaty of Brundisium of 40 BC, Anthony and Octavian minted coins with the

71 Dio Cass. 47.39.

72 For explicit references to *pax civilis* see Cic. *Phil*. 7.8; 7.23; 8.11; cf. also *Leg. agr*. 2.9. For a collection of sources that attest the progressive prevalence of the notion *pax* over *concordia* see Jal 1961.

73 *CIL* 10.5159 = *ILS* 3784 on the dedication of a *signum* to Concordia in relation to the agreement of Brindisium. On this notion of *concordia* under the Triumvirate see Osgood 2006: 189-191; Lobur 2008: 37-58, esp. 56.

74 Woolf 1993; Rich 2003; Raaflaub 2009, 2016; and Cornwell 2017b.

75 Cornwell 2017b: 23.

76 Cornwell 2017a.

77 *RRC* 480/24.

78 Virg. *Ecl*. 4.13 and 17. See Lange 2009: 39-46.

imagery of the joined hand of *fides* with the caduceus, a symbol of peace.[79] The ovations to mark this agreement are also attested in the *fasti triumphales*, which report the Triumvirs' celebrations for establishing peace.[80] On his return to Rome after Naulochus, addressing the senate and the people, Octavian 'proclaimed peace and good-will, said that the civil wars were ended, remitted the unpaid taxes, and released the farmers of the revenue and the holders of public leases from what they owed. Of the honours voted to him, he accepted an ovation and annual solemnities on the days of his victories, and a golden image to be erected in the forum, with the garb he wore when he entered the city, to stand on a column covered with the beaks of captured ships. There the image was placed bearing the inscription: "Peace, Long Disturbed, He Re-Established on Land and Sea."[81]

It is not a coincidence that Augustus emphatically declared that he had thrice closed the gates of the temple of Janus, eradicated civil wars, and established peace, something that he marked by building the *ara Pacis Augustae*:[82] 'Janus Quirinus, which our ancestors ordered to be closed whenever there was peace, secured by victory, throughout the whole domain of the Roman people on land and sea (*per totum imperium populi Romani terra marique esset parta victoriis pax*), and which, before my birth is recorded to have been closed but twice in all since the foundation of the city, the senate ordered to be closed thrice while I was princeps.'[83]

However, it is important to observe that for the Romans experiencing the civil wars of the 40s, it was clear that peace was not the outcome of negotiations but the consequence of the outright victory of one side over the other and its prize was the *res publica*.[84] As Cicero writes to Marcellus in 46 BC, 'in civil war, never once experienced by our forebears but often by our own generation,

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79 *RRC* 529/4. On the *caduceus* as symbol of peace see Aul. Gell. 10.27.3-5; Non. 528M; Serv. *Aen*. 4.242 with Cornwell 2015.

80 *Inscr. Ital.* XIII 1.87, frag. XL. For discussion Cornwell 2017b: 45-46. Cf. Dio Cass. 48.31.3.

81 App. *B Civ.* 5.130-1. See also Dio Cass. 49.15.2-3.

82 *RGDA* 3.1 and 34.1; *RIC* I² Augustus 476 with Pax trampling on a sword. See Lange 2019c.

83 *RGDA* 13. See also Liv. 1.19.3. The head of Janus had already been included on his coins by Sextus Pompeius, see Richard 1963: 334-336. On *ara Pacis Augustae* see *RGDA* 12, which marked the beginning of the cult of Pax, so far absent in Rome.

84 Var. *Ling.* 5.86 on the etymology of the *fetiales* and the notion of *pax* as resulting from the end of war. Hodgson 2019: 57.

all things are sad, but none sadder than victory itself. Even if it goes to the better party, it makes them fiercer and violent; though they may not be so by nature, they are forced to it willy-nilly.'[85] In a letter to Servius Sulpicius, Cicero states that 'this is the fault, not of the victor, who is as moderate as could be, but of the victory itself. In civil war victory is always insolent.'[86]

The direct relationship between peace and victory, found also on coins, where winged Victory (or her symbols) is associated with the *caduceus*,[87] is attested by the ancient etymology of *pax*: 'four things are done in war: fighting, flight, victory and peace. The term "peace" seems to be taken from *pactum*, pact. Moreover, a peace is agreed upon later; first, a *foedus*, a treaty is entered into. A treaty is a peace made between warring parties; it derives from *fides*, trust, or from *fetiales*, that is, the priests of that name. For through them treaties are made, just as wars are made by *saeculares*, by lay people.'[88] It follows that the *pax* that sprang from a civil war did not require reconciliation but rather the dominant imposition of the winning side by a unilateral act. In the second half of the first century BC, at the time when the phrase *bellum civile* came to prominence, attesting a profound fracturing of the civic and political community, this understanding of *pax* became dominant in discussions on the stability of the commonwealth.

Although, as Clifford Ando has highlighted, the distinction between positive and negative peace may be insufficient to capture all the nuances of the Roman case, by 43BC in Rome, *pax*, as the antonym of *bellum civile*, meant first and foremost the absence of war, from which prosperity may follow.[89] Far from prescribing a stable political and constitutional setting in which the commonwealth could flourish, [90] this notion came to indicate in the first place a status of quiet and tranquillity imposed by the victorious side that would enable the control and management of the commonwealth. The victor had the privilege and the right to enforce his own political articulation

85 Cic. *Fam*. 4.9.3 (= SB 231).

86 Cic. *Fam*. 4.4.2 (= SB 203). See also Cic. *Fam*. 9.6.3 (= SB 181). Cf. Cic. *Marc*. 12.

87 In 46 BC *RRC* 460/4 and in 43-42 *RRC* 494/4 and 494/5; *RRC* 494/39. Cf. *RRC* 448/1: a winged Victoria carrying a caduceus and a palm branch in celebration of Caesar's victory over Gaul in 48 BC.

88 Isid. *Etym*. 18.1.11. On the ancient etymologies of *pax* see Maltby 1991, s.v. *pax*.

89 On the distinction between positive and negative peace see Galtung – Fischer 2013; Raaflaub 2016. On its potential limitations for the Roman case see Ando 2017 with discussion of Liv. 8.13.14-5 and Tac. *Agr*. 30.5.

90 Cic. *Phil*. 13.1-2.

of the community. Any opposition would no longer be an act of political resistance between alleged equals but a moral act of disobedience. It was now the peace of the sovereign.[91]

VI

The reasons why the phrase *bellum civile* first entered the political lexicon of the Republic and was subsequently used more frequently from the 40s onwards find its root in the unprecedented level of legalised violence carried out by Sulla and the subsequent inability by those in power to identify and implement constitutional arrangements that could address conflictual tensions inherent in the Republican system.

The institutional solutions that had been thought about and debated, with their search for a constitutional order that could guarantee the safety of the commonwealth and a happy life for its citizens, were inadequate, while means to foster consensus within society (or even simply the elite) had long stopped working.[92] In a certain sense, it is possible to say that the notion of *bellum civile* appeared and gradually came to prominence when the constitutional answers, which were organised round the notion of *concordia*, became inadequate.[93] Their inadequacy began to be most apparent at the time of Caesar's civil wars, when it became clear that these institutional answers had failed to include a proper management of the threat of violence and conflict within their systems, whilst the means to build up political consensus had been stretched to their limits.[94] It was, however, with the Triumvirate, that the failure of the constitutional answers of the traditional Republic was sanctioned and a further powerful blow inflicted on the notion of community. To govern the domestic conflicts afflicting the commonwealth, a new magistracy was established that resembled Sulla's office in terms of inspiration but differed from it in a fundamental aspect: Sulla was appointed on his dictatorship *legibus scribundis et rei publicae constituendae* to reform the *res publica* when the vast majority of the fighting was over; the Triumvirs did so very much in the midst of it, to gain an institutional tool to continue their

91 Ando 2017 and Moatti 2018: 234.

92 On Cicero's attempts see Arena 2020. Flaig 2013 argues that societies that rely on consensus are not sustainable in the long run and recur to the use of force and coercion.

93 *Contra* Straumann 2017.

94 Kalyvas – Masoud 2008: 1.

fight and exert their vengeance against their enemies.[95] However, most important of all, it was the fracturing of political legitimacy, which, apparently restored to the senate after Sulla's abdication and later considerably battered by Caesar, came to its full realisation with the Triumvirs. The enactment of the *lex Titia*, which allowed the main protagonists of the political scene of the time to fight to further their personal position of power against those who could claim to represent the senate, sanctioned the prevalence of the phrase *bellum civile* to describe contemporary internal conflicts. Civil war was a war between citizens, each with equally plausible reason to claim to represent the Republican commonwealth, and each with equally plausible reason to accuse the other of aiming at tyranny. The rupture of the political community was now complete and its only remedy was the search for peace.

It was indeed this re-description of political intents combined with the failure of implementing adequate institutional mechanisms and appropriate means to foster consensus, which rendered the fracture, already present in the Roman way of conceptualising society, fully enacted and conceptually acceptable to the contemporary civic community.

The shift from *dissensio* to *bellum civile*, from *concordia* to *pax*, which predominates in the Roman political discourse from the 40s onwards, shows a change in the way the Romans conceptualised their own community. The emphasis was now on a community whose life was characterised by a condition of non-violent relations, enacted through the victorious annihilation of the opposing side. This might have also entailed a form of collective endorsement of a very specific framework of institutions and ideals, but it might not. The predominance of the value of peace signals the successful elaboration of a conception of a political community whose main constitutive trait was a status of non-violence, one of security and public order, but it says nothing about unity of intents, their values or their institutions. It is unsurprising that Augustus made peace one of his fundamental values, which described the political order he established. Any opponent to his regime, his 'restored *res publica*', could now be described as a violent rebel engaged in an act of disobedience. Under the cover of peace, the *status quo* could be preserved. As Tacitus famously noted: 'it was in the interests of peace that all power be conferred on one man.'[96]

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95 I thank Frederik Vervaet for pointing this out to me in correspondence.
96 Tac. *Hist.* 1.1.

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CIVIL WAR AND THE (ALMOST) FORGOTTEN PACT OF BRUNDISIUM

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This is an article about civil war; or, more precisely, an article on the impact of civil war on Roman society and Roman culture in general during the Late Republic, especially during the early days of the Triumvirate. It is also an article about those evolutions in political discourse which related to civil war, its justification and its ideology, during the period. Ancient civil war remains an insufficiently understood phenomenon. Only in recent years have scholars begun to fathom what civil war can tell us about the internal cohesion of ancient societies, about processes of identity formation, social conflict, disintegration and reintegration and so forth: in other words, its profound impact.[1]

In a recent study Scheidel asks the fascinating question of how civil war affects inequality.[2] Even though his question is of great interest, we should

1 On impact: Osgood 2006; 2014; Breed – Damon – Rossi 2010; Welch 2012; Wienand 2012; Börm 2013; Börm – Mattheis – Wienand 2016; Eckert 2016; Havener 2016; Lange 2016; Armitage 2017a; Ginsberg 2017; Ginsberg – Krasne 2018; Maschek 2018; Omissi 2018; Rosenblitt 2019; Lange – Vervaet 2019b. Some recent studies focus specifically on trauma, a psychological term: see Eckert 2016; Rosenblitt 2019. Rosenblitt 2019: 4: "Roman society never came to grips with the political and cultural trauma of the civil wars". Undoubtedly the fear of civil war gripped Roman society, even during periods without civil war. The concept of "impact" adopted in this article is broader than that of "trauma" and includes not only the political machinations, but their broader packaging: language, ideologies, conceptual discourses, and so forth. It may perhaps more than anything help us realise that even if civil war is and was a terrible thing, it still needed to be talked about and justified. No wonder the civil war dynasts mostly focused on the positive outcome: the ending of civil war.

2 Scheidel 2017: 202.

have serious concerns with his overall approach to civil war. According to Scheidel the American Civil War displayed many of the characteristics of large-scale interstate war, including massive mobilisation on both sides.[3] He concludes that it is best seen as a hybrid.[4] This rather bold conclusion leads him to identify the same hybridity in the Late Republican civil war(s). Notwithstanding their internal dimensions—a conflict among the aristocracy, triggered by competition—he identifies also key features of interstate war, such as a mass mobilisation and high participation rates.[5] But this definition wrongly puts the cart before the horse. Why would we define the conflict that brought about the very concept of civil war, as well as many of its related conceptual discussions, as a hybrid, as the odd one out? If we look at the concept itself, surely the two civil wars – the Late Republican and the American – are two of only a handful examples of proper civil wars: they are wars (*bella*) fought between citizens (*cives*). This may after all be too extreme an approach; and too exclusive a definition denies many conflicts the name of civil war. We should furthermore remember that *bellum* does not necessarily mean conventional warfare between two large opposing armies, neither in an ancient nor in a modern context.[6] Even so, to present the two examples as hybrids seems to me to misunderstand the concept and its historical context. What would we gain? It is of capital importance that all modern debates about civil war should rightfully take the Late Republic as their conceptual point of departure. Furthermore, as ancient historians we should not be over-influenced by modern definitions and approaches if these obscure the historical context of civil war.

1. Victory in Civil War

To turn to the first of the key developments in the language and ideology of civil war in our period, one of the most pressing questions is the actual commemoration and celebration of victory over *cives.* The traditional Roman way of celebrating a military victory was the ritual of triumph, with a natural focus on victory itself. We may remember Polybius' assessment of Roman

3 Scheidel 2017: 174-175.

4 Scheidel 2017: 179, cf. 204: the American Civil War is treated as the equivalent to an interstate war.

5 Scheidel 2017: 206.

6 Lange 2017, also emphasising the connection between *stasis* and *bellum civile*.

warfare at 1.37.7, where he writes that the Romans use violent force for all purposes. Warfare was a force for something good. But in a civil war context such celebrations became much more complex: internal war was never meant to happen in the first place. Having said that, none of the main protagonists of the civil wars of the Late Republic necessarily *concealed* their role in civil war—how would such a slight of hand have been possible? They instead changed their language and their justifications over time, and these changes are clearly visible in our evidence.

Sulla, for example, celebrated his civil war victory as part of his triumph against Mithridates. The latter seems a conventional celebration of a clearly foreign war; but importantly, Pliny records that the second day of the triumph vaunted the gold and silver Marius the Younger had taken from Rome to Praeneste.[7] Moreover, Plutarch tells us that Sulla's triumphal celebration also included a number of former exiles.[8] These facts complicate matters. The celebrations almost redefined the foreign war as a mixed conflict that also necessitated the destruction of internal Roman enemies. The triumph in this case symbolised the end of foreign war, but also indirectly the end of civil war.[9] According to Sallust, (the appearance of) *concordia* and *pax* was part of the ideology of the Sullan regime, both obviously connected to reconciliation after civil war.[10] *Concordia* was of course already well-established in this game of civil war justification with Lucius Opimius in 121 BCE. The Temple of Concord celebrated his victory over the Gracchi—fellow Romans, but also seditious and potential tyrants.[11] Appian nicely sums up the situation:[12]

> καὶ τὴν πόλιν ἐπὶ τοῖς φόνοις ἐκάθαιρεν. ἡ δὲ βουλὴ καὶ νεὼν Ὁμονοίας αὐτὸν ἐν ἀγορᾷ προσέταξεν ἐγεῖραι.
>
> A lustration of the city was performed for the bloodshed, and the Senate ordered the building of a temple to Concord in the forum.

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7 Plin. *HN* 33.16

8 Plut. *Sull*. 34.1.

9 Lange – Vervaet 2019a; Havener 2014: 167-169; Rosenblitt 2019: 13 is right to emphasise that "Sulla's regime and its legacy were at the heart of the late republican collapse."

10 Sall. *Hist*. frg. 49, Lepidus 24.

11 Plut. *C. Gracch.* 17 for the famous *dictum* of discord building a temple to concord; Cic. *Sest*. 140; August. *De civ. D*. 3.25; Pina Polo 2017: 13-14 and 19 on this as a monument to the tyrannicide.

12 App. *B Civ*. 1.26.

A monument to civil war and *stasis*, no less! Thucydides talks of the change and degeneration of language during civil war.[13] This is also the case at Rome. *Seditio* means revolt and rebellion, but also *stasis*.[14] Similarly, *hostis* can signify anything from a foreign to an internal enemy, but at the same time an enemy that in principle no longer should be considered a citizen.[15] The Romans begin to use the language of foreign war when describing and justifying their internal wars and civil wars (as with the triumph). The changing language of civil war evinces, therefore, a changing perception of the new normality.

Later, Caesar partly 'externalised' his civil war with Pompeius. We might argue (with Rosenblitt) that "the foreignization of civil wars played out in multiple ways in Rome after the Sullan traumas";[16] but there were usually multiple narratives, as this article hopes to show by focusing on one of the few exceptions. Caesar's self-justification portrayed him forced into civil war by Romans behaving like barbarians—but he never claimed that it was not a civil war.[17] An even more profound change happened in 44 BCE: a statue with a civic

13 Thuc. 3.82.4 (with Spielberg 2017): καὶ τὴν εἰωθυῖαν ἀξίωσιν τῶν ὀνομάτων ἐς τὰ ἔργα ἀντήλλαξαν τῇ δικαιώσει. τόλμα μὲν γὰρ ἀλόγιστος ἀνδρεία φιλέταιρος ἐνομίσθη, μέλλησις δὲ προμηθὴς δειλία εὐπρεπής, τὸ δὲ σῶφρον τοῦ ἀνάνδρου πρόσχημα, καὶ τὸ πρὸς ἅπαν ξυνετὸν ἐπὶ πᾶν ἀργόν· τὸ δ' ἐμπλήκτως ὀξὺ ἀνδρὸς μοίρᾳ προσετέθη, ἀσφαλείᾳ δὲ τὸ ἐπιβουλεύσασθαι ἀποτροπῆς πρόφασις εὔλογος ("Words had to change their ordinary meaning and to take that which was given them. Reckless audacity came to be considered the courage of a loyal supporter; prudent hesitation, specious cowardice; moderation was held to be a cloak for unmanliness; ability to see all sides of a question incapacity to act on any. Frantic violence became the attribution of manliness; cautious plotting a justifiable means of self-defence").

14 Lavan 2017: 21; Cic. *Rep*. 6.1.

15 From 88 BCE: Cic. *Brut*. 168; Liv. *Per*. 77; Vell. Pat. 2.19.1; Val. Max. 1.5.5; App. *B Civ*. 1.60 etc.; Rosenblitt 2019: 115 suggests that the term *hostis* refers to an external foe, but seems to underestimate the change in language; cf. 123: this goes back to 88 BCE; so already Lange 2016: esp. 103-105. Rosenblitt 2019: 59: "*Tumultus* points to a military crisis in the vicinity of Rome. '*Tumultus Lepidi*' thus emphasizes the military danger and the Etrurian dimension to the crisis". Be that as it may, the mere mention of the name of the enemy – Lepidus – naturally points towards an internal crisis. We should of course also remember the great flexibility of such concepts. When Cicero was trying hard to get the proconsul M. Antonius (*cos*. 44) declared a *hostis publicus*, he was strenuously opposed in this endeavour by L. Iulius Caesar (*cos*. 64), who insisted that the term *bellum* be replaced with *tumultus* (*Phil*. 12.17): "I consistently called Antonius a public enemy (*hostis*), while others [L. Iulius Caesar] called him an adversary (*adversarius*); I consistently called this a war (*bellum*), while others called it a public emergency (*tumultus*)."

16 Rosenblitt 2019: 88.

17 Caes. *B Civ*. 2.29.3 is the first mention of *bellum civile*; cf. 3.1.3; 1.67.3; 3.1.4; *contra* Grillo 2012: esp. 106-117.

crown was set up on the Rostra to honour Caesar for ending the civil war.[18] In a much more malicious manner, Caesar's African triumph included depictions of the deaths of Scipio, Petreius, and Cato—even if no names were mentioned.[19] The balance between vengeance and spite vs. *clementia* and the end of civil war was always part of the reckoning. In this case Caesar's actions resembled Sulla's letter to the Senate in 85 BCE, announcing his imminent return and his intention to take vengeance on all those guilty on behalf of all those wronged and Rome itself.[20] Similarly, we may recount the proscriptions and the severed (Roman) heads displayed on the Rostra.[21] This extreme and conspicuous display of the punishment of (former) Romans was of course later reused by the Triumvirs.

Having been victorious at Actium and Alexandria, Augustus famously claims in the *Res Gestae* that he had stopped this madness—that is, ended civil war: *in consulatu sexto et septimo, postqua[m b]el[la ciuil]ia exstinxeram*.[22] His triumph over Antonius at Actium was the quintessential example of the blurring of foreign and civil war, but far subtler than Sulla's. One example will suffice. After Actium, the slogan *pax parta terra marique* is also used on the Victory Monument at Actium/Nicopolis, emphasising that peace had been secured on land and sea. Deliberately, no enemy is mentioned, which in turn does point to a civil war.[23] At the same time the monument was also part of the new policy of *pax*:[24] peace after civil war.

Whatever we make of this, all three dynasts have one thing in common: they fought what they themselves considered necessary civil wars, adding claims to a defensive and consequently a just position. Naturally these were civil wars 'started by others'! Rome did not hide its empire nor its victories, not even its civil war victories. Sulla most likely even invented the concept of *bellum civile*. The fragments of his memoirs, cited in Plutarch's *Moralia*, display a great historical example of vanity: Sulla portrayed the civil war as his greatest victory, a great war for a great general.[25] Plutarch in the *Moralia* describes Sulla's war as

18 App. *B Civ*. 2.106; Dio Cass. 44.4.5.
19 App. *B Civ*. 2.101; Lange 2016: esp. 107-111.
20 App. *B Civ*. 1.77.
21 Lange 2020b.
22 *RGDA* 34.1.
23 Lange 2016: esp. chapter 6 for a more developed argument.
24 Cornwell 2017.
25 Plut. *Mor*. 786D-E = *FRHist*. II.22 [F26]: ὁ δὲ Σύλλας, ὅτε τῶν ἐμφυλίων πολέμων τὴν Ἰταλίαν καθήρας προσέμιξε τῇ Ῥώμῃ πρῶτον, οὐδὲ μικρὸν ἐν τῇ νυκτὶ κατέδαρθεν, ὑπὸ γήθους καὶ χαρᾶς μεγάλης ὥσπερ πνεύματος ἀναφερόμενος τὴν ψυχήν· καὶ ταῦτα περὶ αὑτοῦ γέγραφεν

an ἐμφύλιος πόλεμος, giving his Greek equivalent for the Latin *bellum civile*.[26] By joining the dots between the case of Sulla and that of Augustus we can see how the language and ideology of civil war developed during the Late Republic. But what role did the Triumvirate play in this development?

Having established the above framework, encompassing victory in civil war and its termination, the remainder of this article will place the Pact of Brundisium, including the subsequent joint ovation of Young Caesar and Antonius, within that framework. There are numerous ways of approaching the combatants during the civil war period in the aftermath of the death of Caesar, one being that of dynasts or factional leaders. The concept of "dynasts" seems in many ways a good approach, as it is central to the description of the period by our main sources. In Book 52 Cassius Dio famously emphasizes that in 29 BCE the Romans reverted to monarchical government: "Such were the achievements of the Romans and such their suffering under the kingship (*basileia*), under the Republic (*demokratia*), and under the dominion of a few (*dynasteiai*), during a period of seven hundred and twenty-five years".[27] 56.37.1-7 includes a "list" of dynasts.[28] The basic units of understanding are individual dynasts, fighting for supremacy with their networks of support; this points towards a balance of power game between the leading dynasts. Of course we cannot eliminate ideology from the Roman civil wars entirely. We should not, however, forget the multiple descriptions of human nature in civil war in the ancient evidence, including the role of un-ideological or extra-ideological motivations for individuals joining a particular side.[29]

2. The Triumvirate

If we accept the concentration of the ancient evidence upon individuals, the Triumvirate becomes in essence the joining of factional leaders, or dynasts or stasiarchs. An alliance of dynasts *tout court*. Seneca nicely adds to this basic

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ἐν τοῖς ὑπομνήμασιν ("as he entered Rome for the first time after cleansing Italy of its civil wars, Sulla did not sleep at all that night, borne up in his spirit by great joy and gladness, as by a wind'; he has written this about himself in his memoirs")

26 See Lange – Vervaet 2019a for a more developed argument.

27 Dio Cass. 52.1.1.

28 Cf. App. *B Civ*. 2.17, 19; see Lange 2019a; 2020a.

29 See for example Dio Cass. 37.55.2-3; 45.8.3-4; Christia 2012: 3: individuals and warring groups naturally aimed to emerge on the winning side.

approach to the politics of the Late Republic: *quid deficimus? et res publica suos triumviros habet* ("Why do we lose heart? The republic too has its triumvirs [Brutus, Cassius and perhaps even Sextus Pompeius, although he changed sides at Misenum]."). [30] It is fair to say that the different sides behaved in a similar fashion. The Triumvirate was an extraordinary command, which included some specific tasks. [31] Appian writes: [32]

> καινὴν δὲ ἀρχὴν ἐς διόρθωσιν τῶν ἐμφυλίων νομοθετηθῆναι Λεπίδῳ τε καὶ Ἀντωνίῳ καὶ Καίσαρι, ἣν ἐπὶ πενταετὲς αὐτοὺς ἄρχειν, ἴσον ἰσχύουσαν ὑπάτοις·
>
> that a new magistracy for setting straight the civil dissensions [= civil wars] should be created by law, which Lepidus, Antonius, and Caesar should hold for five years with consular power [trans. Welch 2019].

This quotation requires some explanation. Polybius 1.65.1-2 uses the concept of *emphylios polemos* to describe what was technically an "internal war" between Rome and the Falisci in 241 BCE. Appian however normally prefers ἐμφύλια to ἐμφύλιος πόλεμος. [33] Appian thus unmistakably connects violence and *stasis* to *polemos* under the heading ἐμφύλιος. [34] He shows that both are part of the same development—the essence of which is different degrees of violence—and thus that civil war is an integral part of the *Emphylia*. Following this logic, Appian may even have the civil wars begin in 133 BCE with the murder of Tiberius Gracchus. [35] At the same time he marks the beginning of a new phase at 88 BCE. [36] This turning point—including the sack of Rome—opens up the final phase in *stasis* at Rome. From that point the stasiarchs fought one another with great armies in the fashion of war (πολέμου νόμῳ), and with the fatherland as their prize. This point is reiterated later: [37] the battle between Marius and Sulla at Rome in 88 BCE was the first fought in the city not ὑπὸ εἰκόνι στάσεως ("in the guise of *stasis*"), but "unambiguously with bugle and standard, in the fashion of war" (ἀπροφασίστως ὑπὸ σάλπιγγι καὶ σημείοις, πολέμου νόμῳ). Cassius Dio's interpretation is similar: [38] initially civil strife was

30 Sen. *Suas*. 6.11.
31 Vervaet 2014: 239-252; see Lange 2009: chapter 1 on its assignment.
32 App. *B Civ.* 4.2.6; for the language of *stasis* in Appian, see now Welch 2019
33 But see for example *B Civ.* 1.40; 2.103; 4.33; 5.28.
34 Cf. Lange 2017; Straumann 2017: 142-145; Welch 2019; *contra* Armitage 2017a: 35-58.
35 App. *B Civ.* 1.2.
36 App. *B Civ.* 1.55.
37 App. *B Civ.* 1.58.
38 Dio Cass. 52.16.2.

confined to political quarrels within the city, but later spread like a contagion into legions, then battlefields ("at first it was only at home and within our walls that we broke up into factions and quarrelled, but afterwards we even carried this plague out into the legions" (τὸ μὲν πρῶτον οἴκοι καὶ ἐντὸς τοῦ τείχους κατὰ συστάσεις ἐστασιάσαμεν, ἔπειτα δὲ καὶ ἐς τὰ στρατόπεδα τὸ νόσημα τοῦτο προηγάγομεν)). The scale of fighting—albeit often blurred[39]—still emphasises that violence, civil strife and civil war are part of the same phenomenon. In Appian that is called "civil war", or ἐμφύλια (see also below).

To return to the Triumvirate we have already mentioned the proscriptions, a Sullan measure.[40] These were followed by the civil war against the murderers of Caesar: ἔν ἐστι λοιπὸν ἔτι ἔργον, στρατεύειν ἐπὶ τοὺς πέραν θαλάσσης αὐτόχειρας Γαΐου ("one task still remains, and that is to march against Caesar's assassins beyond the sea").[41] It clearly comes across that the main assignment of the Triumvirate was to end the civil war(s) and consequently solidify the state: hence the title *(tresvisi) rei publicae constituendae*. This becomes even more evident—as the discussion below hopes to show—when reflecting on the Pact of Brundisium and its aftermath.

3. Brundisium and Aftermath

After Philippi, many may have believed that the assignment of the Triumvirs was at an end. Yet it is at this point that Antonius "received" the (new) task of pacifying the East, while it fell to the lot of Young Caesar to neutralise Sextus Pompeius should he make a hostile move and to settle the veterans of the Triumvirs in Italy.[42] These tasks were later restated in the Pact of Brundisium. Appian refers to the task of eliminating Sextus: "Young Caesar was to make war against Pompeius unless they should come to some arrangement, and Antonius was to make war against the Parthians to avenge their treachery toward Crassus" (πολεμεῖν δὲ Πομπηίῳ μὲν Καίσαρα, εἰ μή τι συμβαίνοι, Παρθυαίοις δὲ Ἀντώνιον, ἀμυνόμενον τῆς ἐς Κράσσον παρασπονδήσεως).[43]

39 Lange 2017.
40 App. *B Civ*. 4.8-11 on the edict.
41 App. *B Civ*. 4.9.
42 Dio Cass. 48.2.2 [Sextus]; Dio Cass. 48.3.3-6 emphasises the panic in Italy caused by land distributions after Philippi; Suet. *Aug*. 13.3 [veterans].
43 App. *B Civ*. 5.65.

The relationships between the Triumvirs had declined after Philippi. Even though Lucius Antonius survived the civil war-episode at Perusia, this will hardly have done much good for the relationship of the Triumvirs. In any case, Lucius Antonius had apparently been criticising the Triumvirs—especially Young Caesar as his opposite number—for not laying down their powers after the completion of their assignments.[44] Following on from that, Young Caesar took over Gaul when Antonius' man, the governor Calenus, died.[45] This clearly suggests that the Triumvirs behaved like individual dynasts, maximising their own potential.[46] Furthermore, it is fair to say that Young Caesar was not in control of affairs in Italy.[47]

To bring Sextus Pompeius more fully into focus: Appian suggests that the Triumvirs disagreed on what to do against him.[48] Appian also suggests an early deal between Antonius and Sextus Pompeius.[49] We may accept Appian's narrative, but the shift in balance of power was brief indeed. Soon afterward it changed again, as Antonius decided to continue his arrangements with Young Caesar. Perhaps Antonius was using Sextus Pompieus in his own struggle. Cassius Dio sums it up as follows:[50]

> διὰ τε οὖν ταῦτα καὶ διὰ τὸ τοὺς φεύγοντας αὐτὸν ὑποδέχεσθαι τήν τε τοῦ Ἀντωνίου φιλίαν πράττειν καὶ τῆς Ἰταλίας πολλὰ πορθεῖν, καταλλαγῆναί οἱ ὁ Καῖσαρ ἐπεθύμησε· διαμαρτὼν δὲ τούτου ἐκείνῳ μὲν Μᾶρκον Οὐιψάνιον Ἀγρίππαν πολεμῆσαι ἐκέλευσεν.
>
> For these reasons, and because Sextus was harbouring the exiles, cultivating the friendship of Antonius, and plundering a great portion of Italy, Caesar desired to become reconciled with him; but when he failed of that, he ordered Marcus Vipsanius Agrippa to wage war against him.

Even if Dio refers to a potential deal between Antonius and Sextus, as also mentioned by Appian, both statements point towards a balance of power

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44 I.e. Philippi and defeating Caesar's murderers: see App. *B Civ.* 5.19-20, 30, 39. For the context and war at Perusia, which takes up much of Appian's book 5, see 5.14-49.

45 App. *B Civ.* 5.51; cf. 61; Dio Cass. 48.20.3-4.

46 See Christia 2012.

47 This may be a reason why we should believe the story of the Perusia killings, as an example of indiscriminate violence, possibly resulting from the lack of control Young Caesar had at this time in Italy; Lange 2020a.

48 App. *B Civ.* 5.61-62; cf. Suet. *Aug.* 13.3; Lange 2009: esp. 26-33.

49 App. *B Civ.* 5.54; in general see Welch 2012; 2019.

50 Dio Cass. 48.20.1.

game between the leading dynasts.[51] This was indeed a tangled web. Under these extreme circumstances Antonius, logically, was ready to make a deal with Sextus *should it be necessary*.[52]

To bring other actors into focus, there is no denying that after the Perusine war Antonius arrived at Brundisium in 40 BCE to a Rome on the brink of another civil war, this time between the two Triumvirs. In the end their soldiers refused to fight.[53] The ensuing settlement of Brundisium extended the Triumvirs' assignment: the new task given to Young Caesar, as I mentioned earlier, was to deal with Sextus and thus to conclude the civil war.[54]

More than anything the Brundisium Treaty seems to suggest that Antonius had accepted Sextus Pompeius as a problem and had decided that the alliance with Young Caesar was more important and (or) logical, even if he still wanted to include Sextus in a deal.[55] Cassius Dio writes in Book 48 that "they accordingly divided the empire anew in this way and undertook in common the war against Sextus, although Antonius through messengers had taken oaths by which he had bound himself to Sextus against Caesar" (τὴν μὲν οὖν ἀρχὴν οὕτως αὖθις διεδάσαντο, τὸν δὲ δὴ πόλεμον τὸν πρὸς τὸν Σέξτον ἐκοινώσαντο, καίτοι τοῦ Ἀντωνίου ὅρκους πρὸς αὐτὸν δι᾽ ἀγγέλων ἐπὶ τῷ Καίσαρι πεποιημένου).[56] This is again a description of the dealings of dynasts—and about the balance of power. At 48.30.4, Dio again mentions an agreement between Sextus and Antonius to make war on Young Caesar; but then realizing that this would never happen, Sextus once again raided Italy. Antonius was however right to include Sextus: the famine at Rome and the continued raids simply necessitated a deal. This was an unacceptable situation and in the end the Triumvirs were forced to cut a deal with him.[57] There can be no doubt that in 39 BCE, Sextus Pompeius was more than ready to do so: Welch is right to suggest that compromise was a necessity in the stasiotic politics of this period.[58] The Misenum Treaty was cynical insofar as it was a necessary deal for all parties.[59]

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51 Dio Cass. 48.29.1.
52 Cf. Osgood 2006: 187.
53 App. *B Civ.* 5.64.
54 App. *B Civ.* 5.65; Dio Cass. 48.28.4; Lange 2009: esp. 29-33.
55 App. *B Civ.* 5.65.
56 Dio Cass. 48.29.1.
57 Dio Cass. 48.31.4.
58 Welch 2012: 53.
59 *Contra* Welch 2012: 238.

There was an amnesty after the murder of Caesar and again at the Treaty of Misenum for those who had opposed the Triumvirs and Young Caesar.[60]

The Brundisium incident was typical inasmuch as the dealings of the dynasts with each other are concerned, but atypical inasmuch as the Triumvirs were fighting it out amongst themselves. The question remains of what actually happened. Welch suggests that Antonius made a deal with Sextus Pompeius and consequently there was open conflict with Young Caesar.[61] This needs however to be incorporated into the narrative of the soldiers refusing to fight as well as the assignment of the Triumvirate. Either the Triumvirs tried to sell the idea that there was no civil war; or, alternatively, there never actually was, meaning that the fighting was not deemed to be quite a *bellum*. Whatever the case, looking at the list of civil wars as presented by Suetonius, Brundisium seems to have been sold as a non-war. Officially at least, no civil war ever happened![62]

To delve a little further into our main historical narratives, Appian's emphasis, as already mentioned, centres around the dynasts. *B Civ*. 5.55 refers to an agreement between Ahenobarbus and Antonius (later to change sides to Young Caesar just before Actium). This becomes an issue when they arrive at Brundisium, as the gates are closed. The reason given is the enemy Ahenobarbus. Antonius lays siege to the city and instructs Sextus to raid Italy.[63] We are closing in on a conflict between the two Triumvirs. Appian claims that the soldiers of Young Caesar knew this, and were planning and hoping to prevent it; if not, there would be war.[64] One of the reasons cited for Antonius' mere arrival in Italy is the army of Calenus (see above). This is about the balance of power. Sextus' attack on Southern Italy was however repelled by Agrippa.[65] In the end the death of Fulvia allegedly helped to solve

60 Vell. Pat. 2.77.3; Tac. *Ann*. 5.1; Suet. *Tib*. 5.1.

61 Welch 2019; Dio Cass. 48.27; open warfare: 48.28.2; see below.

62 Suet. *Aug*. 9.1: *bella civilia quinque gessit: Mutinense, Philippense, Perusinum, Siculum, Actiacum; e quibus primum ac novissimum adversus M. Antonium, secundum adversus Brutum et Cassium, tertium adversus L. Antonium triumviri fratrem, quartum adversus Sextum Pompeium Cn. filium* ("The civil wars which he waged were five, called by the names of Mutina, Philippi, Perusia, Sicily, and Actium; the first and the last of these were against Marcus Antonius, the second against Brutus and Cassius, the third against Lucius Antonius, brother of the Triumvir, and the fourth against Sextus Pompeius, son of Gnaeus").

63 App. *B Civ*. 5.56.

64 App. *B Civ*. 5.57.

65 App. *B Civ*. 5.58.

matters. Reconciliation followed rather than full-blown civil war: Antonius orders Sextus back to Sicily, and a new deal between the Triumvirs is struck.[66] In this case Antonius is emphasised as the main strategist, understanding that a deal with Sextus Pompeius would be necessary to stop the raids and the famine in Rome.[67] Initially Young Caesar disagrees, but this clearly points towards the Misenum deal.

Cassius Dio also emphasises the great game of dynasts. Antonius´ siege of Brundisium was the direct result of a deal with Sextus, consequently making Young Caesar his enemy.[68] All things considered this seems a little simplistic. Initially Dio suggests that there was in fact outright war between the Triumvirs:[69] "The two leaders thus broke out into open war and were sending messages to the various cities and to the veterans, wherever they thought they could get any aid; and all Italy was again thrown into turmoil, especially Rome, and some were already choosing one side or the other, and others were hesitating. While the leaders themselves and those who were to assist them in the war were in a state of suspense, Fulvia died in Sicyon, where she had been staying" (συνερρωγότων τε οὖν αὐτῶν ἐς τὸν πόλεμον, καὶ διαπεμπόντων πρός τε τὰς πόλεις καὶ πρὸς τοὺς ἐστρατευμένους, ὁπόθεν τινὰ ὠφελίαν προσλήψεσθαι ἐνόμιζον, ἥ τε ἄλλη Ἰταλία αὖθις ἐταράσσετο καὶ ἡ Ῥώμη ὅτι μάλιστα, καὶ οἱ μὲν ἤδη πρὸς ἑκάτερον μεθίσταντο, οἱ δὲ ἔμελλον. μετεώρων δὲ αὐτῶν τε ἐκείνων καὶ τῶν συμπολεμησόντων σφίσιν ὄντων, ἡ Φουλουία ἐν Σικυῶνι, ἐν ᾗ ἦν, ἐτελεύτησε). The war between the Triumvirs is clearly marked out as a *polemos*.[70] The death of the warmonger Fulvia is again given as a reason or pretext for reconciliation. Without going into detail about the potential sources used by Appian and Cassius Dio, the negative role played by Fulvia – an obstacle – is part of the Livian tradition.[71] A new arrangement is struck. Sextus is the new enemy, even if Antonius had previously held a deal with him. Dio sums up this conflict as follows, viewing civil war through the lens of human nature:[72]

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66 App. *B Civ*. 5.63-65; agreement: marriage between Antonius and Octavia.
67 App. *B Civ*. 5.65.
68 Dio Cass. 48.27.5.
69 Dio Cass. 48.28.2-3.
70 Vell. Pat. 2.76.3 talks of fear, *metus*, of war before describing the peace arrangement at Brundisium.
71 Liv. *Per*. 127: *bellum adversus Caesarem*.
72 Dio Cass. 48.29.3.

> τοσοῦτος μὲν δὴ καὶ τῶν στάσεων καὶ τῶν πολέμων παράλογός ἐστι, δίκῃ μὲν οὐδὲν τῶν τὰ πράγματα ἐχόντων νομιζόντων, πρὸς δὲ δὴ τάς τε ἀεὶ χρείας καὶ τὰ συμφέροντά σφων τό τε φίλιον καὶ τὸ πολέμιον ἐξεταζόντων, καὶ διὰ τοῦτο τοὺς αὐτοὺςτοτὲ μὲν ἐχθροὺς τοτὲ δὲ ἐπιτηδείους σφίσι πρὸς τὸν καιρὸν ἡγουμένων.
>
> So great, indeed, is the perversity that reigns in factional strife and war; for men in power take no account of justice, but determine on friend and foe according as their own interests and advantage at the time dictate, and accordingly they regard the same men, now as their enemies, now as their friends, according to the occasion.

There follows a section pointing towards the Misenum treaty and later war with Sextus Pompeius. But again it must be remembered that – according to Dio – after Perusia, Young Caesar had wanted to reconcile himself with Sextus.[73] This failed.[74] Dio may even be suggesting that even after the Pact of Brundisium, Antonius was still negotiating with Sextus. Whatever the case, two basic lessons can be learned. This is about dynasts – including Sextus Pompeius – and their wish to place themselves in the best possible position. This also explains the second point, giving insight into the Triumviral period more broadly: how a war ends may explain why the next begins. The Brundisium affair seems partly a continuation of issues between the two main Triumvirs: the issues at Perusia and the disagreement regarding Sextus; in general the question of how to move forward and accomplish the assignment of the Triumvirate. The wars are seen as personal wars between dynasts. In both sources this provides us with a take on human nature, explaining how human nature affects civil war and vice versa.

4. Honours

The aftermath of the Pact of Brundisium presents further peculiarities. The honours given to the two Triumvirs after the pact at first appear problematic to say the least; but are they? Cassius Dio is certainly reserved: the "victors" moved across the *pomerium* in triumphal dress and on horseback "as if at a triumph" (ἐν δ' οὖν τῷ τότε ἐπί τε ἵππων αὐτοὺς ὥσπερ ἐν ἐπινικίοις τισὶν ἐσαγαγόντες).[75] The joint ovation is mentioned on the Fasti

73 Dio Cass. 48.20.1.
74 The basic differences between Appian and Dio are outlined by Gowing 1992: 187-189.
75 Dio Cass. 48.31.3.

Triumphales and consequently officially recognised as a triumph in Augustan times, but in Dio's mind this was not a real ovation.

The Fasti Triumphales entry for the joint ovation of 40 BCE is revealing: *Imp. Caesar Divi f. C. f. IIIvir r(ei) p(ublicae) c(onstituendae) ov[ans, an. DCCXIII] quod pacem cum M. Antonio fecit [——]* ("40 BCE: While Imp. Caesar Divi f. C. f. IIIvir r p c celebrated an ovation because he made peace with Antonius").[76] Antonius is likewise recorded because he made *pacem cum Imp. Caesare*. There is neither foreign nor civil enemy, but an ovation was granted because the two Triumvirs made peace with one other. In isolation each of these two entries would be strange, but taken together they can only suggest one thing: the Triumvirs were granted this honour for not starting a civil war, or alternatively, for ending a civil war; which of the two we choose depends on what we think happened at Brundisium. It may even have indirectly included Perusia, but in principle – to focus only on the inscription – this was solely about the two Triumvirs and their ceremonial entry in ovation. An ovation in continuation of the Pact of Brundisium. Having said that, this was evidently not a traditional victory celebration. No enemy was mentioned: merely the fact of peace (or, significantly, the absence of civil war). This was a celebration of the inner logic of the Triumvirate. We should note also that both entries naturally include the title of 'Triumvir'. This was about securing peace after civil war (assuming that one was confessedly declared; it is noteworthy that there was no celebration after Philippi) and about constituting the state. Both of these components encompass the assignment of the Triumvirate. This celebration also happened not because of victory itself but the absence of a conflict that could lead to one; this is revealing of the shifting ideologies of civil war in the Late Republic.

Again, there is more information to be added to this enquiry. The joint ovation can hardly suggest that the assignment of the Triumvirate had been accomplished; for a start, the issue of Sextus Pompeius was still in the balance. But this was a turning point in the scale of that balance: the Triumvirs were again working jointly for the constituting of the *res publica*. The Triumvirs will no doubt have thought such a statement politic in the wake of Perusia, Brundisium, and all the rest. This was a sign of unity! A sign of unity, but using, importantly, the distinctive language of the

76 Degrassi 1947: 86-87, 568, cf. 342-343, Fasti Barberiniani.

Triumvirate: *pax*, certainly, and possibly with an indirect emphasis on the ending of civil war, or a *phase* of it. This idea of phases is clearly visible after Actium.[77] The civil war did not have to be mentioned, but was there for all to see. This was symbolic and emphasised the end of civil war: retrospectively, looking perhaps back before Brundisium; and prospectively, looking forward to the at least temporary prevention of further conflict, for example Brundisium and Sextus Pompeius.

In 2016 I suggested two basic approaches to the joint ovation of 40 BCE:[78] first, an emphasis on avoiding civil war; and secondly, the ending of civil war and ceremonial entry. The two can easily be combined. This was a new kind of celebration. It was one of many innovations in the language and ideology of civil war: note, for example, that Caesar's ovation of 44 BCE was held without reference to a prior war, victory, or even enemy.[79] In a development of this approach, the ovation of Young Caesar and Antonius was a celebration for the peaceful outcome of the difficulties at Brundisium. The Fasti Triumphales is proof of these difficulties of the Triumvirate around 40 BCE. Importantly, the Fasti were never retrospectively changed and the entries survive. But surely this is much more than a ceremonial entry. The two narratives combined suggest that the absence of civil war was vital. This may partly be the precursor of the Parthian Settlement of 20 BCE: a diplomatic concord as opposed to civil war.[80] The marriage between Antonius and Octavia was publicly staged in Rome, immediately following the entry into the city of Antonius and Young Caesar in triumphal dress, on horseback. That the Senate had to allow Octavia an exemption from the ten-month waiting period following Marcellus' death shows this was very much a matter of public concern.[81] The Triumvirs were certainly willing to take traditions to their limits and beyond, but as a statement of reconciliation – especially toward their

77 Cf. the inscription of the victory monument at Actium; see Lange 2016: 142-143; Actium as a war, not just a battle; Lange 2009: 73-93.

78 Lange 2016: 114-115, 157-158; 114: avoiding civil war.

79 Degrassi 1947: 86-87, 567.

80 Cf. Cic. *Phil*. 5.40-41 mentions a proposal made to honour Lepidus because he avoided civil war with Sextus Pompeius in 44 BCE.

81 See Plut. *Ant*. 31; App. *B Civ*. 5.64; Dio Cass. 48.31.3; Osgood forthcoming emphasises that although men had political power, women worked effectively within that system, and could take the initiative; Sumi 2005 on ceremony and power in the outgoing Republic.

soldiers – as well as a way of turning the difficult period of the Triumvirate into a symbol of how dramatically affairs had improved under their leadership. Peace was secured. There seems to be an inner logic to this.

Where does this leave us? The policy of peace and end of civil war emphasised by Young Caesar/Augustus goes not only back to Caesar (see above), but was jointly created – or so we may assume – with his fellow Triumvir Marcus Antonius. It derives from the Triumvirate and in 40 BCE we see a slightly underdeveloped approach, one to be perfected over the years to come. There are two basic possibilities. First, at this early stage the ideology of *pax* had not yet developed into a subtle, bifurcated approach emphasising both a foreign-war victory and the ending of civil war. The emergence of those two related narratives would come later. Secondly, this was not Sicily nor North-western Greece: this was Italy. Furthermore, the Triumviral assignment of ending the civil war was logically not aimed at the Triumvir's internal struggle. After Brundisium there was one narrative – peace between the Triumvirs, whatever context we provide for this information – while later, there were two distinct but non-conflicting narratives.

Take the victory over Sextus Pompeius: the *Res Gestae* refer to Sextus Pompeius as a pirate, and in this connection mention slaves.[82] This is supported by two letters from 36 BCE written by Young Caesar which accuse Sextus Pompeius of encouraging piracy.[83] The piracy narrative was not developed late and retrospectively.[84] The narrative concerning the ending of civil war is also found in 36 BCE: Young Caesar was given an honorific column on the Forum, adorned with *rostra*, a golden statue, and an inscription: "Peace, long disrupted by civil war, he restored on land and sea" (τὴν εἰρήνην ἐστασιασμένην ἐκ πολλοῦ συνέστησε κατά τε γῆν καὶ θάλασσαν).[85] Welch has pointed to the fact that Appian writes τοῦτο μὲν δὴ τῶν τότε στάσεων ἐδόκει τέλος εἶναι ("This *seemed* to be the end of *staseis*").[86]

82 Chapter 25; cf. *RGDA* 27.3 on the servile war.

83 App. *B Civ*. 5.77, 80; cf. Hor. *Epod*. 9, 9-10, fighting a slave war.

84 *Contra* Welch 2012: 10, cf. 278-279.

85 App. *B Civ*. 5.130; cf. *RGDA* 25.1. The context of 5.130 and 5.132 suggests "civil war"; Appian (*B Civ*. 5.132) uses the word *stasis* – clearly referring back to the inscription – to describe the end of civil war. What would be Latin have been? Surely *bellum civile*. See also Welch 2019.

86 Welch 2019; App. *B Civ.* 5.132.

There was no end of civil war. But whereas that was the end goal, it was an assignment in different phases. The *Res Gestae* 13 mentions three decreed closings of the Temple of Janus: *pax* by degrees. Peace was not a constant, at least not until Actium and Alexandria were secured.

The campaign that ended at Actium was declared outright against Cleopatra in 32 BCE, but later turned into a civil war when she received help from Antonius.[87] Again Young Caesar could claim to end the civil war(s), and again a civil war started again by his opponent.[88] The slogan *pax parta terra marique* – prominently used in 36 BCE, which Appian renders into Greek – is connected by several Latin authors to Augustus' closure of the Temple of Janus as well as to his peaceful settlement after the civil war against Antonius. This is clearly reflected by Livy, who writes of a period "after the battle of Actium, when the emperor Caesar Augustus had brought about peace on land and sea" (*post bellum Actiacum ab imperatore Caesare Augusto pace terra marique parta*).[89] In remarkably similar fashion, Suetonius writes that Augustus "closed three times the temple of Janus Quirinus, which had been closed but twice before his time since the founding of the city, in a far shorter period, having won peace on land and sea" (*Ianum Quirinum semel atque iterum a condita urbe ante memoriam suam clausum in multo breviore temporis spatio terra marique pace parta ter clusit*).[90] The slogan *pace parta terra marique* is also used on the Victory Monument at Actium, emphasising that peace had been secured on land and sea. No enemy is mentioned, which in turn does point to a civil war.[91] Augustus' in the *Res Gestae* boasts to have ended *bella terra et mari civilia externaque*.[92]

5. Civil War(s) as *Exempla*

In a Roman context *exempla* often denotes the citation of exemplary figures of the past, distinguished by their great services to the *res publica*. In

87 Lange 2009; 2016.
88 *RGDA* 34.1; see above.
89 Liv. 1.19; cf. 30.45.1; *Laudatio Turiae* 2.25; Sen. *de Clementia* 1.9.4; *Apocolocyntosis* 10.2.
90 Suet. *Aug.* 22.
91 Lange 2016: chapter 6.
92 *RGDA* 13; 3.1, 4.2.

the words of Roller, they are rhetorical devices that effectuate persuasion.[93] Deeds or actions were also memorialised by monuments.[94] After the victory over Sextus Pompeius in 36 BCE at Naulochus, the Senate and Young Caesar naturally turned to Duilius as the model victor at Mylae.[95] The honorific statue on a *columna rostrata* was copied in 36 BCE (see above). Duilius was the first Roman to fight and win a major sea battle. Roller emphasises that "[B]y appropriating the iconography of a monument commemorating a famous victory over a feared external enemy, he paraded his own victory, actually won in civil war, as being a proper victory over foreigners – or at least he conveniently elided the distinction between civil and external war".[96] But Young Caesar did in fact no such thing! Certainly it is obvious that he was appropriating the great victor, but at the same time the inscription of the rostral monument makes clear that this was set up as an honour for the civil war victor, for the victor who had ended civil war. The victor had two non-conflicting narratives.

This suggests that for Young Caesar it was vital to commemorate his victories in a traditional manner, while at the same time not forgetting the sole basis for his political legitimacy, namely the Triumviral assignment. This was a civil war monument, one set up as an honour in 36 BCE. This is about commemoration, but also about legitimising a civil war. This is political initiative in times of civil war, using Duilius as an *exemplum*. This was after all not just a civil war, this was a victory in war against the enemies of Rome. Here we return, full circle, to Sulla: a great war to suit a great general. This is why the Romans kept using the language of foreign war when describing civil war, naturally developing and changing it over time. It is also about what Roller describes as "a degree of moral change".[97] A moral change where the emphasis placed upon civil war ceases merely to focus on its horrors, and rather refashions it into a narrative of the positive outcome of victory. Civil war, therefore, is re-established as a ("positive") *exemplum*.

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93 Roller 2018: 1.

94 Roller 2018: 6.

95 Roller 2018: 134-162; Kondratieff 2004.

96 Roller 2018: 150; cf. Bleckmann 2002: 121: "Details wurden bewußt vermieden, um nicht an den Umstand erinnern zu müssen, daß der Sieg gegen Sextus Pompeius in einem Bürgerkrieg errungen worden war."

97 Roller 2018: 163, regarding Fabius *Cunctator*.

Cicero famously uses negative historical *exempla* in the *Philippics*.[98] Reflecting on Mutina and a potential declaration of Antonius as *hostis*, Cicero mentions Romans who wanted civil war: L. Cornelius Sulla, C. Marius, Cn. Octavius, L. Cornelius Cinna, C. Marius the Younger and Cn. Papirius Carbo. Yet it is precisely these figures, especially the likes of Sulla, Caesar, and Young Caesar, who tried to create their own counter-*exempla*, both in their writings as well as in the honours awarded to them, and the ideologies that both conveyed.

As for the joint ovation of 40 BCE, it is hardly a surprise that Antonius and Young Caesar decided to use the language of the Triumvirate when commemorating their internal struggle—one that almost came to a premature blow. When the blow finally came, Young Caesar still decided to use the same language of reconciliation, of peace after civil war. At the same time the foreign-war card was naturally played and the war was declared on Cleopatra. They were two non-conflicting narratives. The Triumvirate was rightly at the centre of attention during this civil war period. The recurring aspect of civil war, as we have seen, involved also recurring debates and recurring levels of justification. Here, as ever, Thucydides is the great teacher: civil strife inflicted many a terrible blow, as it always does, and always will, while human nature remains the same.[99] This article has tried to place Brundisium within a series of different attempts to figure out how to end civil war. In the end the Pact of Brundisium was a very 'Caesarian' moment: they should not be fighting and the veterans did not want them fighting. The joint ovation of 40 BCE may have aimed to give the hopeful impression of breaking that cycle; but whether its audience was convinced is anyone's guess.

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98 Cic. *Phil*. 8.7; 14.23; see van der Blom 2019; Urso 2016 on Sulla as a negative *exemplum*.

99 Thuc. 3.82.1; 3.82.2: καὶ ἐπέπεσε πολλὰ καὶ χαλεπὰ κατὰ στάσιν ταῖς πόλεσι, γιγνόμενα μὲν καὶ αἰεὶ ἐσόμενα, ἕως ἂν ἡ αὐτὴ φύσις ἀνθρώπων ᾖ; Armitage 2017b.

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A FRAMEWORK OF NEGOTIATION AND RECONCILIATION IN THE TRIUMVIRAL PERIOD

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In 29 BCE, the senate and the people of Rome set up a dedication to Imperator Caesar for the preservation of the Roman state:

> *senatus populusque Romanus / Imp(eratori) Caesari divi Iuli f(ilio) co(n)s(uli) quinct(o) / co(n)s(uli) design(ato) sext(o) imp(eratori) sept(ies) / re publica conservata.*[1]
>
> The Roman senate and people [dedicate this] to Imperator Caesar, son of the deified Julius, consul for the fifth time, consul designate for the sixth time, imperator for the seventh time, the state having been preserved.

The language of the honorific inscription, with its terminating ablative absolute (*re publica conservata*), appears to confirm the successful achievement of the Triumviral assignment, which was to settle the state.[2] Young Caesar, as

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1 *ILS* 81 = *CIL* 6.873. The marble block, on which this inscription was carved, was found in the Roman forum near the temple of Castor in the sixteenth century and measured 2.75m in length, c. 1m in height and 0.60m in depth. It is now lost. Rich 1998: 100-114; Lange 2009: 165-166; 2016: 130-131 assign the inscription to the possible Actian arch, voted by the senate on the return young Caesar in 29 BCE (Dio Cass. 51.19.1: ἀψίς τροπαιοφόρος). Rich does note the issues assigning the inscription to the triple arch located between the temples of Divus Julius and of Castor (on the arch see Nedergaard 1999), due to its smaller dimensions.

2 For the formula *triumviri rei publicae constituendae,* see *RGDA* 1.4, 7.1; *CIL* 1.2969; abbreviated as *IIIVir R. P. C.*: *Fasti Colotiani* = *Inscr. Ital.* 13.1.274; *Inscr. Ital.* 10.4.21, 13.1.1b (*Fasti Triumphales* p. 87 frag. XL, entries for 40 BCE); *ILLRP* 416, 1276, 1286; *CIL* 11.1330, 12.4340; on coinage of 43-37 BCE (first assignment): *RRC* 490/3-4, 492/1-2,

the sole remaining (both alive and politically active) member of the Triumvirate established in October 43 BCE, could claim his singular accomplishment of extinguishing civil war and (magnanimously) transferring the *res publica* from his *potestas* to the arbitration of the senate and the people (*RGDA* 34.1).

Not only was young Caesar's preservation and restoration of the state a solo feat, but also his rhetoric of the establishment of peace as the product of his victories was presented without reference to opponents (despite an acknowledgement of civil conflict). Young Caesar's, and later Augustus', narrative of peace was as an absolute concept – of *pax parta terra marique*[3] – removing the relational framework of the concept that was evident in the ovations of young Caesar and Antony in 40 BCE: *Imp(erator) Caesar…ovans… quod pacem fecit cum M. Antonio… / M(arcus) Antonius…ovans…quod pacem fecit cum Imp. Caesare*.[4] The peace of Caesar Augustus was an expression of a sanitised narrative that obscured the complex and disputed discourses of the late Republic and Triumviral period. The victor could claim, with confidence, ownership and delivery of not just *pax*, but *concordia, libertas, pietas, salus* and *securitas* to the *res publica*.[5] But if the Augustan narrative is one of absolute certain stability as *pax parta victoriis* (*RGDA* 13), the threads of the various Triumviral narratives weave a different type of cloth. As Lange has stressed 'the Triumvirate is a symbol of the civil wars, but also of the ending of civil strife'.[6] If the Triumviral period ended with the construction of Augustan peace, it began with a framework of reconciliation and (re)alignment, with the construction of spaces for the negotiation of power. In reality, this performance and language of negotiation and exchange served as a vehicle for sustaining violence under the name of stability.

493/1, 494/1-15, 494/17-19, 494/35, 495/1-2, 496/1-3, 497/1-3, 516/1-5, 517/1-8, 518/1-2, 520/1, 521/1-2, 522/1-4, 523/1, 527/1-3, 529/4, 531/1, 533/2-3, 534/1, 536/1-4, 537/1; on the Triumviral assignment: Lange 2009: 18-26.

3 *ILGR* 158 (Nicopolis victory monument inscription), cf. Liv. 1.19.2; *RGDA* 13; see also Cornwell 2017: 81-120, esp. 112-117.

4 *Inscr. Ital.*13.1.1b (*Fasti Triumphales* p. 87 frag. XL, entries for 40 BCE); see Cornwell 2017: 45-47.

5 For statues to Pax, Salus Publica and Concordia dedicated by Augustus in 10 BCE: Ov. *Fast.* 3.881-2; Dio Cass. 54.35.2; for claims of *libertas*: *RGDA* 1.1; *RIC* I^2 Aug. 476; see also *RGDA* 34.2: *virtutis clementiaeque et iustitiae et pietatis caussa testatum est per eius clupei*, cf. *CAG* 13.5 p. 361; Welch 2019. For a provincial acceptance of Augustus' rhetoric of *pax* see e.g. *CIL* 12.4335, 14.2898-2899; *OGIS* 458; *SEG* 4.201; *IGR* 4.1173; see Cornwell 2017: 183-186.

6 Lange 2009: 48.

In this paper, I offer an overview of the tensions inherent in the Triumvirate's formation and maintenance in terms of a rhetoric of peace and reconciliation. I will first examine the initial formation in late October/early November 43 BCE drawing out some social structures and political ideologies used to construct a space of negotiation and reconciliation between the main political players. Within this discussion, I will examine pre-Triumviral models for conflict resolution, particularly the arrangement and 'friendship' of Crassus, Pompey and Caesar. Following on from such a framework, I will consider to what extent these structures facilitated conflict resolution and yet also offered a means of articulating control through the language of unity and agreement, in contrast to contestations and competition of ownership of ideals in the 40s BCE.[7] Specific themes that this paper will further draw out are not only the reiteration of *concordia* within this period, but also the focus on the *concordia* of individuals rather than of the community as a whole. The 'privatisation' of political *concordia* will be explored through the sites of negotiation situated outside the political sphere, through personal and kinship diplomacy at the potential expense of constitutional structures and spaces. The 'promise' of reconciliation and peace was, in effect, the Triumviral 'brand', which was heavily promoted and advertised through media of mass communication, such as the coinage, at points of political tension and potential conflict. Nevertheless, while the contemporary Triumviral framework was one of reconciliation through negotiation, historical accounts produce different narratives, wherein the φιλία and negotiation of the Triumvirs is a rejection of reconciliation with their opponents and indeed the cause of *discordia*.

1. A Triumviral framework of φιλία and agreement

The Triumvirate began, according to Appian's narrative (*B Civ.* 4.2), with φιλία established to end hostilities between young Caesar and Mark Antony (together with Lepidus). Similarly, Plutarch notes the attainment of φιλία, following a transition from the dissolution of hostilities (*Ant.* 19.1: εἰς διαλύσεις) to reconciliation: ἐπὶ δ' οὖν ταῖς διαλλαγαῖς ταύταις οἱ στρατιῶται περιστάντες ἠξίουν καὶ γάμῳ τινὶ τὴν φιλίαν συνάψαι Καίσαρα (*Ant.* 20.1:

7 On the Republic origins of imperial ideals, as a product of a political language of crisis, see Cornwell 2020. On the nature of imperial ideals and virtues see: Fears 1981; Noreña 2001, 2011.

'therefore, on account of these reconciliations, the soldiers surrounded them and demanded that Caesar unite the friendship with marriage'). Cassius Dio also outlines the mutual nature of the compact, although from the outset he frames this as an agreement affected out of necessity, despite mutual hatred.[8] Φιλία, as the framework for an alliance between political rivals, was likewise established in 60 BCE between Crassus, Pompey and Caesar: Οὕτω μὲν δὴ καὶ διὰ ταῦτα οἱ τρεῖς τήν τε φιλίαν συνέθεντο, καὶ ὅρκοις αὐτὴν πιστωσάμενοι τά τε κοινὰ δι' ἑαυτῶν ἐποιήσαντο (Dio Cass. 37.57.1: 'Thus the three for these reasons formed their friendship and ratified it with oaths, and managed public affairs amongst themselves'), and again in mid 44 BCE, when Antony and young Caesar were temporarily brought together by the tribunes: οἱ δὲ ἐπεμέμφοντο ἀλλήλοις καὶ συνέβαινον ἐς φιλίαν (App. *B Civ.* 3.30: 'they placed the blamed on each other and came together in friendship'). Such 'friendship' was forged out of necessity, rather than mutual affection. Indeed, while Appian and Plutarch use a framework of φιλία, this does not necessarily amount to an establishment of *amicitia* between the three.[9] However, while language of *amicitia/amicus* is not used explicitly in the Latin narratives of the Triumviral formation, Velleius does talk about the arrangement in terms of a *societas*, which may be viewed as relational to *amicitia*, as a relationship formed in response to common interests and utility.[10]

Friendship and alliance as a utility of interests in the Latin narratives of the Triumviral agreement also appear to draw on the language of interstate relations.[11] Velleius' *societas* might operate within the socio-political field of Roman friendship, however, Florus (2.16) presents the peace (*pax*) between

8 Dio Cass. 46.54.4: τοὺς ἄλλους ἐχθροὺς προτιμωρήσασθαι δι' ἀλλήλων βούλεσθαι, προσποιητὸν ὁμολογίαν ἐποιήσαντο ('[since] they desired to have one another's assistance in taking vengeance on their other enemies first, they reached a pretend agreement').

9 See Williams 2012: 1-62 on the meaning and framework of Roman *amicitia*, esp. 32 for the distinction with φιλία, and 54 for identifying someone as an *amicus* if they are referred to by that term; Hellegouarc'h 1963: 62-90 on the different forms of *amicitia*.

10 On *societas* and its associations with *coniunctio* and *concordia* see Hellegouarc'h 1963: 80-90. See Cic. *Planc.* 5 for *consensus et societas consiliorum et voluntatum* as the bonds of *amicitia*; Cic. *Off.* 1.54 for marriage as the *prima societas*; on the utility of *amicitia* see Williams 2012: 50.

11 On the internalising of language to describe interstate relations, and war and peace see Cornwell 2018. For the language of φιλία and the evolution of diplomatic friendship in Classical Greece, see Bauslaugh 1991: 56-64.

the three leaders as made *velut foedus*.[12] Similarly, Livy's *Periochae* 120 alludes to the relational quality of *pax* made with an (external) opponent: *C. Caesar pacem cum Antonio et Lepido fecit*.[13] This formula no doubt also echoes the language of the ovations awarded to both young Caesar and Antony in 40 BCE, demonstrating the application, during the civil wars, of the concept of *pax* increasingly to internal, political (and interpersonal) relations.[14] The language of friendship was, of course, also applicable to interstate relations, implying the personal relations that ultimately unpinned such alliances, as the formula *socius et amicus* implies.[15]

As previously mentioned, Velleius presents the agreement as the initiation of a *potentiae societas*, yet he also stresses the underlying need for *concordia* between Antony and young Caesar.[16] *Concordia,* or the negation thereof (*discordia*), is similarly key to Suetonius' presentation of the Triumviral negotiations.[17] Again, the compact between Crassus, Pompey and Caesar is framed in the narratives in terms of concord and like-mindedness: συμφρονησάντων δὲ ἐκείνων καὶ τὰ ἑταιρικά σφων ὡμολόγησαν (Dio Cass. 37.57.2: 'with their like-mindedness, their companions also were in agreement'). Such arrangements of φιλία serve to articulate the potential association of shared interests with stability and *concordia*. These concepts of *dis/con-cordia* imply a political and civic orientation, not necessarily revealed from the focus on *pax* and *foedus* in the other Latin narratives.

In fact, these mixed presentations of Triumviral negotiation, φιλία and *concordia*, having elements of internal and external conflict resolution, reflect

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12 On *foedus* as part of interstate negotiations, see Varr. *Ling.* 5.86; see Cornwell 2017: 17-18, and 27-32 for the relationship of *pax* and *foedus.* See Gladhill 2016: 17-61 on the semantics of *foedus*, *fides*, and the meaning of ritual alliance; see also Hellegouarc'h 1963: 38-40.

13 Liv 1.19.2 qualifies *pax* of the gates of Janus in terms of the pacification of other peoples (*pacatos circa omnes populos*); Cornwell 2017: 15-23 on conventional meanings of *pax.*

14 Cornwell 2017: 23-34 on the landscape of *pax* in the late Republic, and 43-79 on the application of *pax* to political discourse during civil war; see also Cornwell 2018. Cic. *Phil.* 13.2 describes the potential relationship between Scipio and Sulla in similar terms of *pax* (*pacem cum Scipione Sulla sive faciebat sive simulabat*: 'whether Sulla was actually making or pretending peace with Scipio').

15 Braund 1984: 23-25 of the recognition of foreign kings with the formula.

16 Vell. Pat. 2.65.1-2: *si Caesar eius aspernaretur concordiam …. Tum inita potentiae societas* ('if Caesar had spurned his (offer of) agreement…then began their alliance of power').

17 Suet. *Aug.* 62: *reconciliatus post primam discordiam Antonio* ('reconciled with Antony after their initial disagreement').

the complex political language and action of the late Republic. This had become increasingly dominated by concepts of internal violence and civil dissent characterised both with the terminology of external war and with a heightened application of a diverse range of ideals to stress civic stability. The '*hostis*' declaration formula, introduced by Sulla in 88,[18] effectively began a process (or plausibly continued that already began by the so-called *senatus consultum ultimum*, albeit it in a different tone) that both formalised and normalised the use of the language of war within domestic politics.[19] Yet, even though a framework of interstate conflict was being applied to interpersonal, political relations at Rome, it was also being contested as part of the competitive discourse of Republican politics. The status applied either to individuals or to the situation and circumstances was debated and fluid. Those declared *hostes* could turn the tables on their opponents with similar declarations and a conflict could be debated as being a *tumultus* or a *bellum*, depending on the orientation and alliances of those characterising it as such, as was the case during the debates concerning the senate relations and reaction of Mark Antony in early 43.[20]

In parallel to the development and escalation of a rhetoric of 'internal war', we can track the intensification and diversification of ideals within the public, political sphere. This is most apparent during the 40s BCE with Fortuna, Salus, Valetudo, Libertas, Pietas, Fides, Felicitas, Honos, Clementia, Pax, and Concordia all appearing with varied frequency of the coinage over the decade.[21] Several of these ideals had a tradition of Cult at Rome at least from the late fourth/early third centuries,[22] tied as they were to the safety of the state, yet even these were potential sites of contestation, certainly from the mid second century BCE onwards (if not earlier), most notable in the instance of Concordia. Without digressing too much into the history of the Cult and Temple(s) to Concordia at Rome, it is enough to mention the

18 Cic. *Brut.* 168; Liv. *Per.* 77; Val. Max. 1.5.5, 3.8.5; App. *B Civ.* 1.60. Other sources have suggested that either a *lex* (Vell. Pat. 2.19.1) or a *senatus consultum* (senatorial decree) (Florus 2.9.6) was used to judge (*iudicare*) them as *hostes*. Diodorus 27.29.3 is unclear as to whether a *lex* or *senatus consultum* was used; Plut. *Sulla* 10.1 refers to the death penalty, rather than a *hostis* declaration as the decision of the senate. On the initial application of the *hostis* declarations in 88 and 87, see Lintott 1968: 155; Bauman 1973; Gaughan 2010: 126-131; Allély 2012: 21-28.

19 Allély 2012; Cornwell 2018; Rosenblitt 2019.

20 Cic. *Phil.* 12.7; Cornwell 2017: 52, 64-67.

21 Cornwell 2020.

22 Ziółkowski 1992: 14-189.

debate over the placement of the statue to Concordia, originally set up *in publico* by the censor of 164, Q. Marcius Philippus, and later removed to the Curia by the censor of 154, L. Cassius Longinus (Cic. *De Dom.* 130 and 136); the disputed nature of the Concordia commemorated in the Opimian Temple of 121 (Plut. *C. Gracch.* 17.6); and finally the staging of political debates in the temple by both Antony and Cicero, and the manipulation of such performances in the following conflict.[23]

Ideas and ideals intended to promote stability and agreement were just as much sites of contestation and conflict as the explicit language of war and hostility that had taken firm root by the time of the civil wars of the 40s and the formation of the Triumvirate in late 43. With this brief ideological sketch in mind, let us return to those negotiations surrounding the establishment of φιλία and *societas* near Bononia.

2. Sites of negotiation and the sociology of power[24]

As sites of negotiation go, an island in the middle of a river offers a strong indication of neutrality and equality, with all parties arriving from the outside, from their own spaces of authority.[25] Indeed, rivers, as naturally-occurring dividing lines within the landscape and often recognised as delineating boundaries (political or administrative in nature), were the ideal site, situated between disputing polities and territories, for diplomatic encounter and exchange.[26] This is perhaps best exemplified in the meeting of Gaius Caesar and the Parthian king Phraataces in 1 CE, which took place *in insula quam amnis*

23 Cic. *Phil.* 5.18 for Antony's abuse of the site of Concordia with armed guard in September 44, see also Manuwald 2007: 617-8, 624; for the temple of Concordia as a site of senatorial discussion in early 43, see Cicero's Cic. *Phil.* 7.21; Dio Cass. 46.28; Mauwald 2007: 888-9. Dio Cass. 45.18-47 for Cicero's speech promoting his own versions of *homonia*, and 46.1-28 for Calenus' accusations of *stasis*. On the meaning and nature of *concordia*, Hellegourc'h 1963:125-127; Akar 2013:16-63. On the political currency of *concordia* and Concordia at Rome: Levick 1978; Akar 2013; Pina Polo 2017; Yarrow (forthcoming); Cornwell (forthcoming).

24 Elias 2006: 5 'certain figurations of interdependent people made it possible for individuals with a small circle of helpers to maintain themselves and their dynasties in more or less unrestricted power'.

25 For a detailed examination of the role of 'Face-to-face dialogue: on the symbolism of neutral spaces', including the liminal spaces created at camp fortifications and by water, see García Riaza in this volume.

26 Purcell 2012: esp. 382-383.

Euphrates ambiebat, whose space was constructed as Roman on near bank (*in nostra ripa*) and Parthian on far (Vell. Pat. 2.101). Equality of the negotiating parties was carefully orchestrated, avoiding any of the diplomatic ambiguity (or rather possible accusations of superiority) seen in the diplomatic encounter on the Roman bank in 96 BCE. Then the Parthian king, displeased at apparent subordination of Parthia by means of not only the location of the meeting but also Sulla taking the central seat at the negotiating table (between the chairs for Parthia and Cappadocia), had his representative executed on his return.[27]

The orchestration of the site of negotiation between young Caesar and Antony (and Lepidus whose position varies in the narratives as regards to his role) was a clearly articulated message of ostensible equality. The site, an island on a river located between Mutina and Bononia emphasised this message, as did the numbers of forces present. Both Appian and Dio stress the parity of forces of either side.[28] The island also offered a private, or at least physically remote site of negotiation as presented in Appian's narrative (*B Civ.* 4.2). The route to the negotiating table moves from the stationing of each of their five legions ἀντικαθιστάντες ('standing opposed'), to moving with 300 men to the bridge access to the island. Here, in Appian's account, Lepidus' role of quasi-mediator or neutral party is emphasised by his early arrival and security sweep of the island, before Antony and young Caesar proceed alone across the bridges to join him. At least in terms of socially constructed space we have moved from a large-scale military space of army camps to just the three integral negotiators, although as we will see the role of the soldiers within the reconciliations was far from passive. Variants on this formula can be observed in the negotiations at Puteoli/Misenum in 39. Negotiations begin first on two artificial platforms in the sea, with Sextus Pompeius and Libo on the seaward side and young Caesar and Antony on the shoreward side, separated by water, and later on a mound surrounded by the seawater.[29] Antony and young Caesar would meet between Metapontum and Tarentum on a river, rowing out to the middle before determining to which, or indeed whose, side of the river they retired first.[30]

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27 Plut. *Sull.* 5.4; Vell. Pat. 2.24.

28 App. *B Civ.* 4.2; Dio Cass. 46.55.1: στρατιώτας ἰσαρίθμους ἔχοντες.

29 App. *B Civ.* 5.71-2; Dio Cass. 48.36.1 has young Caesar and Antony on the land and Sextus on a mound in the sea, serving perhaps to further stress the land/sea division of their spheres of influence.

30 App. *B Civ.* 5.94.

What is perhaps notable about the spaces of negotiation during the Triumviral period in comparison to earlier constructions of reconciliation between political figures in the Roman state is the dislocation from the constitutional, political spaces at Rome and particularly the forum, and the apparent need to frame the space as diplomatically neutral, as if between interstate parties. In 70 BCE, according to Appian, the *populus,* fearing the threat of *stasis* due to the presence of both consuls' armies outside the city, appealed directly to the consuls seated in the forum (App. *B Civ.* 1.121: τῶν ὑπάτων ἐν ἀγορᾷ προκαθημένων). The interactions here between consuls and the *populus* give shape to the social formation of power and negotiation and to the forum space as the appropriate and logical arena for such negotiations. Nevertheless, we can also observe a shift in location of such constitutionally constructed sites during the 50s, notably when the magistrates, pro-magistrates, with a total of 120 lictors, and 200 senators meet Caesar in north Italy.[31] In this construction of constitutional space, the personal renegotiation of power between Caesar, Pompey and Crassus can be understood to have taken place, although it seems that there must have been some level of 'private' and interpersonal agreements, even if these were publicly known, as Cicero's letter to Lentulus Spinther of the meeting at Luca may suggest.[32]

Notable in the Bononia arrangement is the fact that Lepidus (the 'mediator') does not take (in Appian's account) the position ἐν μεσῷ, which is taken instead by young Caesar as consul – a framework of constitutional powers is still nominally evoked. If for Appian (and his sources), Lepidus was less of a military threat to the current negotiation than either Antony or young Caesar,[33] his position at the negotiating table at least seems to have ostensibly acknowledged his parity to the other two in the formation of the Triumvirate. Nevertheless, the position of Lepidus within the reconciliation narratives is secondary: the rupture of *concordia* is between Antony and young Caesar (Suet. *Aug.* 62). A rupture which, in the eyes of the soldiers, could only be healed not just by the possible show of the joining of right hands between the Triumvirs (Flor. 2.16*: Apud confluentes inter Perusiam et Bononiam iungunt manus, et exercitus consalutabat*), but through the *concordia* symbolised in the

31 App. *B Civ.* 2.17; Plut. *Caes.* 21; *Pomp.* 51; *Crass.* 14-15.
32 Cic. *Fam.* 1.9.9.
33 Gowing 1992: 123-142 on the role of Lepidus in the narratives of Appian and Dio.

union of young Caesar to Antony's step-daughter, Clodia.[34] The φιλία/*societas* of the two was solidified and transformed into συγγένεια/*adfinitas*.[35]

With the formation of the Triumvirate (although this would not be legally constituted until the *lex Titia* on 27 November) there was ostensibly a compact and sworn alliance that on some level framed how the Triumvirs should approach questions of war, discord, peace and reconciliation, albeit a framework they themselves constructed for the purposes of securing power. Whilst it is tempting to view the act of negotiation as a mere façade, the parameters set by the first meeting not only defined the relationships between the three men and between the Triumvirs and their soldiers but also established the social practices and symbols to convey adherence to their agreement.[36]

3. Reiterations of reconciliation and kinship diplomacy

The value of negotiation and ostensible acts of reconciliation was the foundation upon which the Triumvirate established itself: an act of conciliation, which would nominally begin the process for setting the civil wars aright (App. *B Civ.* 4.2). Yet if the Triumvirate's function was established through and framed by the notion of harmony and reconciliation after a period of *discordia* (Suet. *Aug.* 62; Vell. Pat. 2.65), this was not the only time that the concept of disharmony and dissension amongst the Triumvirs – notably Antony and young Caesar – would resonant in the narratives. Horace's *Satire* 1.5.29 implies the repeated rupture of friendship between the two Triumvirs, with Maecenas and Cocceius sent to Brundisium as as *legati, aversos soliti conponere amicos*. The fragments of Livy for 40 BCE also emphasise the existence of *dissensio,* resolved with the two armies and standards coming together *in una castra* (Liv. *Fr*. 51-53).

That the agreement of the Triumvirs is followed, in the narratives of Appian and Dio Cassius, by ill omens at Rome (albeit lists of omens that

34 Suet. *Aug.* 62; Plut. *Ant.* 20.1; Vell. Pat. 2.65; Dio Cass. 46.55, see also Dio Cass. 48.5.2 for the dissolution of the marriage and συγγένεια.

35 Vell. Pat. 2.65; Dio Cass. 46.56.3. For the distinction of *adfinitas* and *societas* as forms of *amicitia* see Hellegouarc'h 1963: 64-90. Suet. *Aug.* 62 refers to the *necessitudo* established between young Caesar and Antony as a result of the marriage; according to Hellegouarc'h 1963: 68 the term does not necessary apply to familial relations, unlike *adfinitas*. See Williams 2012: 42-44 for the various Latin labels of friendship.

36 For friendship as utility, see Williams 2012: 17-19, 49-53; see also Hellegouarc'h 1963: 80-90.

barely match one another besides the clashing of arms being heard) evidently foreshadows further conflict and the proscriptions to come.[37] Rather pointedly, Dio ends his list with vultures roosting on the temples of the Genius Populi and of Concordia (47.2.3), following this immediately with the massacre of the proscribed 'in the houses…in the streets… in the fora and around the temples' (47.3.1). For Dio, the actions of the Triumvirs exemplify the collapse of *concordia* within the state.[38] In this the tension and almost paradox of the Triumviral framework (within the narratives) is revealed: the establishment of concord begets further discord. The *discordia* of the Triumviral period would also be reworked in later 'Augustan' narratives as the *crudelitas* of Lepidus and the *clementia* of Augustus, since blame for the atrocities inflicted as a result of the proscriptions had to be apportioned somewhere, while still acknowledging the social disruption in the wake of the Triumviral compact.[39]

This recognition of the *discordia* of the Triumviral period and the preceding decades was not restricted to the observations of later historians. Sallust, as a Triumviral writer, reflected on the political trauma of the Sullan regime but importantly from within the repercussions of that regime and the continued application of 'hostile politics' and *bella civilia* (Sall. *Hist.* frag. 1.12) – a theme so central to the *Histories* and Sallust's own time of writing.[40] Sallust's *Historiae* may be viewed, in part, as a response to the language of restoration, *concordia et pax*, of his own time, viewed through the lens of the previous generation: *specie concordiae et pacis, quae sceleri et parricidio suo nomina indidit* (*Hist*. 1.55.24: 'the appearance of concord and peace, which names he has given to his wickedness and parricide'). Sallust's speech of Lepidus, whilst tempered by Sallust's own authorial voice, is still a space within the narrative where the nature of autocratic power within the state to the disruption of stability and concord is questioned. As Rosenblitt has recently stressed 'the speech [itself] constitutes a disruption of *concordia* and therefore stands as evidence within the Sallustian narrative that Sulla's power did not bring concord'.[41] That Sallust drew on Cicero's *Philippics* to furnish the language of Philippus reveals the validity of his speeches as part of contemporary discourse, just as much as a historical critique of a post-Sullan world.

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37 App. *B Civ.* 4.14; Dio Cass. 47.2-3.
38 Akar 2013: 440-441.
39 See *CIL* 6.1527 (*Laudatio Turiae*) esp. 1.6a, 11-19; Osgood 2014: 45-65.
40 Gerrish 2019; Rosenblitt 2019: 115-139.
41 Rosenblitt 2019: 98; see also Rosenblitt 2013.

As the narratives on the Triumviral period illustrate, the ideological value of *dis-/con-cordia*, alongside frameworks of *societas* and *adfinitas*, was potent. Reconciliation and displays of *concordia* were the tools through which Triumviral control was articulated and maintained, against any charges of *discordia*. As has already been stressed above, the establishment of *concordia* between young Caesar and Antony at Bononia in 43 was symbolised not only by their joining of hands but also through the establishment of a marriage contact between young Caesar and Antony's step-daughter. The mutually beneficial alliance (*societas*) or friendship (φιλία) was extended to a form of relationship that was 'réalisée sur un base essentiellement familiale par la partique du mariage',[42] such as *adfinitas* and *necessitudo.*

The betrothal, as an enactment and proof of the *concordia* established, serves to illustrate the Triumviral 'brand' and promotion of reconciliation and peace, which was to be achieved through the personal, kinship negotiations of these two individuals. Not only does the sphere within which *concordia* was being enacted move away from the Ciceronian ideal of *concordia civium/ concordia ordinum*,[43] but also we can observe a shift in audience from the civic crowd at Rome to the armies. All accounts of the conference of Bononia stress that the marriage alliance between Antony and young Caesar was at the urging of both armies or just Antony's, according to Dio's narrative (46.46.3). Similarly at Brundisium, according to Appian's narrative, initially the praetorian cohorts of Antony (αἵ τε στρατηγίδες αὐτοῦ τάξεις) engage their former comrades (τοὺς συνεστρατευμένους σφίσιν) in conversation at young Caesar's camp, while young Caesar's men stress the alleged diplomatic nature of their presence (διαλλαγὰς ἐπινοοῦντες ἀμφοτέροις).[44] Moreover, after Cocceius' arrival and negotiations with both sides, young Caesar's soldiers elected πρέσβεις to be sent to both Triumvirs whose purpose was to ensure the achievement of reconciliation (διαλλάξαι). These πρέσβεις together with Cocceius (who was 'οἰκεῖον ἀμφοῖν/ friendly to both sides'), Pollio (representing Antony's interests) and Maecenas (representing young Caesar's) acting as mediators (οἱ διαλλακταὶ) proposed the marriage alliance between the two men.[45]

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42 Hellegouarc'h 1963: 64.

43 *Concordia civium*: Cic. *Sest.* 71, 87; *Phil.* 4.14.3, 4.14.8; 10.8; *Rep.* 1.40, 2.69; *concordia ordinum*: *Cat.* 2.19; *Att.* 1.18.3; *concordia senatus*: *prov. cons.* 47.8; *Phil.* 4.15.9; *equestris concordia*: *Att.* 1.17.9. For Cicero's construction of consensual politics, see Rosenblitt 2019: 1-2, 120; Akar 2013: 240-278; Achard 1981: 35-40, 72-74.

44 App. *B Civ.* 5.59.

45 App. *B Civ.* 5.64.

The adoption of such independently minded initiatives may also be observed in Caesar's narrative of the *Civil War,* when, at the Ebro, soldiers from both sides co-mingled in the camps of Petreius and Afranius and of Caesar seeking a peace and an end to the conflict. The difficulties experienced during the civil war in 49-48 BCE particularly in regard to supply line logistics and resources has recently been well articulated by Richard Westall, providing forceful and practical motivation behind Caesar's rapidity of campaign and also revealing concerns of hungry and famine motivating the soldiers' interests.[46] In Caesar's narrative Petreius interrupted the *colloquia* of the soldiers, driving out and killing any Caesarians found in his camp, whereas Caesar ordered his adversaries' soldiers in his own camp to be sent back (*B Civ.* 1.74-77). According to Batstone and Damon, the first book of Caesar's *de bello civili* serves as an allegory of the whole war, with Caesar bringing peace in the wake of Ilerda.[47] Here his opponents, Afranius and Petreius, who up to this point have provided weak and even deceitful models for diplomatic exchanges (1.74-76), finally request a negotiation (*colloquium petunt*, 1.84.1). As a resolution to the failed public negotiations, which he pushed for at the opening of the book, Caesar rejects the request for a private meeting (*semoto a militibus loco*) creating a very public display before the soldiers and including Afranius' son as an *obses* (1.84.2). If nothing else, Caesar's account demonstrates the importance of the perception and reception of negotiation by an audience, and particularly the immediate audience of the troops.

The desire for the soldiers to receive visible affirmations of concord is demonstrated in the narratives by the physical gestures, such as embracing and the taking of the right hand. This display of *fides* and *concordia*, conventionally referred to by scholarship as the *dextrarum iunctio*, is perhaps most well recognised in political settings with the affirmation of agreement and harmony between parties, such as the reconciliation of Pompey and Crassus in 70 BCE.[48] Such unification between opposed parties was depicted

46 Westall 2018: 86-123, 196-236.

47 Batstone – Damon 2006: 75-84.

48 App. *B Civ.* 1.121: ἐς τὸν Πομπήιον ἐχώρει, τὴν χεῖρα προτείνων ἐπὶ διαλλαγαῖς… καὶ δεξιωσαμένων ('he offered Pompey his hand in the way of reconciliation…They shook hands'). For the joining of right hands as a sign of *fides* see Cic. *Verr.* 2.5.104: *ubi fides, ubi exsercationes, ubi dextrae complexusque?* ('where is the loyalty, where are the solemn oaths, where are the right hands and embraces?'), cf. Cic. *Att.* 7.1.4: *ubi illae sunt densae dextrae*? ('where are those mutual pledges?'), on which see Shackleton Bailey (1965-70) 3.279; see Piganiol (1959) for an alternative reading of *aeneae dextrae*. On the relationship of *manus* and *fides* see Otto 1909: 2281-2286; Boyancé 1964; Levi 1985; Lind 1989: 6; Thome 2000: 54.

visually through the joining of hands on the coinage since c. 70, though there in relation to the unification of Italia and Roma (*RRC* 403/1). From 48 BCE onwards, the shorthand symbol of two joined right hands appeared with regularity on the coinage on the civil wars and Triumviral periods (Table 1). The clasped hands (*dextrarum iunctio*) were displayed in uniform fashion of the coinage of all three Triumvirs in 42 BCE, as well as accompanying Concordia herself on coinage of the same year. The *caduceus*, the symbol of negotiation and *pax*, would appear on the coinage minted after the treaty at Brundisium with the image of the joined hands around the *caduceus* serving to reinforce the Triumviral rhetoric and on-brand message. The intense proliferation of the numismatic messages of Triumviral harmony continued down to c. 38 BCE, although Lepidus had effectively disappeared from the coinage after his consulship of 42. We should acknowledge that by 40 the mint at Rome closed, with the mints now moving with the various generals in the field. Such a move is understandable during periods of large-scale warfare and armies to be paid. Alongside the logistical and strategic reasons for the moving mints is again a subtle hint of the integrity of the army as a primary audience and witness of Triumviral reconciliation and peace.[49]

Within this framework of visible signs and symbols promoting rhetorics of harmony and peace during a period of war, I would like to consider further the role of marriage alliances and kinship diplomacy. The use of marriage as a tool of political alliance is nothing new. Narratives of the alliance between Caesar and Pompey emphasise not only the bond of marriage between these two men, but also Caesar's own marriage to the daughter of his successor in the consulship, Lucius Calpurnius.[50] These bonds of *adfinitas*/ συγγένεια were an important aspect of negotiations amongst political peers and were an arena of debate in and of themselves. Cato's reaction to Caesar's various marriage negotiations in 59 BCE was to cry out that Rome's empire was being bargained away in marriage contracts (διαμαστροπεύεσθαι γάμοις τὴν ἡγεμονίαν: App. *B Civ.* 2.14, cf. Plut. *Caes.* 14.7). This was clearly an aspect of politicking that Cato notably railed against on more than one occasion: he himself rejected various arrangements of marriage alliances with Pompey, viewing such contracts as tantamount to bribery.[51] This did not mean that Cato himself was immune from similar attacks. When he re-married his former wife Marcia, whom he had divorced in

49 See Cornwell 2020.
50 Suet. *Iul.* 21; App. *B Civ.* 2.14; Plut. *Caes.* 14.7; Dio Cass. 38.9.1.
51 Plut. *Cat.* 30, 45.2; Plut. *Pomp.* 44.

TABLE 1: OCCURRENCES OF THE DEXTRARUM IUNCTIO (CLASPED HANDS) ON THE COINAGE OF THE LATE REPUBLIC (48-39 BCE).

RRC no.	*Year*	*Obverse*	*Reverse*
450/2	48	PIETAS: head of Pietas	ALBINVS·BRVTI·F: Two hands clasped round caduceus
451/1	48	C·PANSA: Mask of bearded Pan	ALBINVS·BRVTI·F: Two hands clasped round caduceus
480/6	44	CAESAR·DICT PERPETVO: Wreathed head of Caesar	L·BVCA: Fasces and caduceus in saltire; on left, axe; on right, glove; above, clasped hands
480/24	44	PAXS: Head of Pax	L·AEMILIVS·BVCA·III·VIR: Clasped hands
494/10	42	M·LEPIDVS·III·VIR·R·P·C: Head of Lepidus	C·VEIBIVS VAARVS: Clasped hands
494/11	42	M·ANTONIVS·III·VIR·R·P·C: Head of M. Antonius	C·VEIBIVS VAARVS: Clasped hands
491/12	42	C·CAESAR·III·VIR·R·P·C: Head of Young Caesar	C·VEIBIVS VAARVS: Clasped hands
494/41	42	CONCORDIA: Head of Concordia, wearing veil.	L·MVSSIDIVS·LONGVS: Two hands clasped round caduceus
529/4a	39	III·VIR·R·P·C: Head of Concordia, wearing diadem and veil	M·ANTON·C·CAESAR·IMP: Two hands clasped round caduceus
529/4b	39	III·VIR·R·P·C: Head of Concordia right, wearing diadem and veil	M·ANTON·C·CAESAR: Two hands clasped round caduceus

order that his friend Hortensius might marry her and produce an heir (Plut. *Cat.* 25), Caesar accused him of 'earning a wage through the marriage' (μισθαρνίαν ἐπὶ τῷ γάμῳ), as Marcia was now Hortensius' heir.[52] While Caesar's accusations are based on charges of avarice and financial profit rather than political capital, the anecdote nevertheless demonstrates the dynamic social interactions and exchanges that marriage facilitated and promoted. Moreover,

52 Plut. *Cat.* 52.4.

TABLE 2: KINSHIP DIPLOMACY AND FAMILIAL NEGOTIATIONS IN THE TRIUMVIRAL PERIOD (44-30 BCE).

Year	Event	Sources
44	Antony and Lepidus' sons as hostages to negotiations with assassins	App. *B Civ.* 3.142; Dio Cass. 44.34.6; cf. Plut. *Ant.* 14 (only Antony's son mentioned)
44	Lepidus' son betrothed to Antony's daughter	Dio Cass. 44.53.6 (cf. also App. *B Civ.* 5.93; Dio Cass. 46.52)
43	Triumviral conference on island between Mutina and Bononia; betrothal of young Caesar to Antony's stepdaughter, Clodia, at the urging of the soldiers	Vell. Pat. 2.65.2; Suet. *Aug.* 62; Plut. *Ant.* 20.1; Dio Cass. 46.56.3
41	Conflict at Perusia: dissolution of marriage ties between young Caesar and Antony	Dio Cass. 48.5.2
40	Julia, Antony's mother, sent by Sextus Pompeius to propose friendship with envoys	Dio Cass. 48.15.2 (cf. 48. 16.2); App. *B Civ.* 5. 52
40	Young Caesar sends Mucia, Sextus Pompeius' mother, to negotiate marriage of young Caesar to Scribonia, sister of Sextus' father-in law, Libo.	Dio Cass. 48.16.3; Suet. *Aug.* 62
40	Young Caesar writes to Julia, Antony's mother, as a device for open correspondence with Antony (without having to concede seniority to Antony)	App. *B Civ.* 5.63
40	Reconciliation of Antony and young Caesar at Brundisium; Antony married to Octavia	Vell. Pat. 2.78.1; Plut. *Ant.* 30-31; App. *B Civ.* 5.64; Liv. *Per.* 127; Horace *Sat.* 1.5.29 (*aversos amicos*)
39	Relatives of Libo and Sextus Pompeius' mother, Mucia, are used to compel Libo and Sextus to come to the negotiating table with Antony and young Caesar	App. *B Civ.* 5.69-72
39	Young Caesar divorces Scribonia	Dio Cass. 48.34.4
39	Agreement between Sextus Pompeius and young Caesar and Antony at Puetoli; betrothal of Sextus' daughter to Marcellus (Antony's stepson and young Caesar's nephew)	App. *B Civ.* 5.73; Dio Cass. 48.38.3
38	Young Caesar marries Livia	Suet. *Aug.* 62; Dio Cass. 48.44.1

37	Antony sends freedman Callias to Lepidus in Africa regarding marriage alliance of his daughter to Lepidus' son (re: 44 BCE)	App. *B Civ.* 5.93
37	Octavia negotiates agreement between Antony and young Caesar between Metapontum and Tarentum; renewal of kinship ties: Octavia betroths daughter to Antony's son (Antyllus) and Antony betroths his daughter (by Octavia) to Domitius Ahenobarbus	Dio Cass. 48.54.4
32	Antony renounces connection with Octavia	Dio Cass. 50.3.2; Liv. *Per.* 132
30	Lepidus' son is killed by young Caesar (on grounds of *coniuratio*)	Liv. *Per.* 133
30	Antyllus sent as envoy to young Caesar; returned without success or answer. Later beheaded on young Caesar's orders	Dio Cass. 51.8.4. Dio Cass. 51.15.5; Plut. *Ant.* 81; Suet. *Aug.* 17.5

Plutarch's account of Hortensius' motivations for marriage (first to Cato's daughter, then to his wife) grounds the request in Hortensius' desire to strengthen their relationship from being mere associates and companions (μὴ συνήθης εἶναι μηδὲ ἑταῖρος μόνον) to become a κοινωνία παίδων ('a communion of children').[53] Marriage of the elites provided a contractual and social framework for expressing the bonds of a relationship between political figures.[54]

The utility of marriage to forge connections and between political families had clear relevance as a social practice and ritual symbol within the rhetoric of Triumviral reconciliation. Indeed, the use not only of marriage but also of children as *pignora/obsides* ('pledges/hostages' of negotiation)[55] and family members (usually mothers and sisters) as negotiators, is a strong characteristic of a decade of negotiation and renegotiation, founded on alliances which were outwardly exemplified through marriage alliance. Table 2 documents the various usages of 'kinship diplomacy' from the aftermath of Caesar's assassination to the eradication of any vestige of Triumviral kinship ties in 30 BCE. In the accounts of Velleius Paterculus and Suetonius, the betrothal of

53 Plut. *Cat.* 25.2-3. For the use of ideas of communion and commonality in political alliances and 'friendships' see also App. *B Civ.* 2.17: οἱ κοινωνοὶ τῆς δυναστείας.

54 See Treggiari 1991 for a complete study of Roman marriage; see also Hellegouarc'h 1963: 13.

55 See Rohr Vio in this volume.

young Caesar to Clodia is the outward and concluding demonstration of the end of *discordia.* Similarly, the fragments and *Periochae* of Livy book 127 underline the *dissensio* of 41-40 BCE which was to be resolved and the *concordia ducum* to be preserved through the marriage of Antony to Octavia. Marriage (and betrothal) as a tool was a means of formalising political alliances and, I would argue, given its strong associations with *concordia*, made it a highly suitable vehicle to present Triumviral stability after reconciliation.

Of course, *concordia*'s dominant sphere of use in the late Republic was the political.[56] In this context, the *dextrarum iunctio* on the coinage has been associated with political reconciliations. The depiction of the deity Concordia and the symbol of the joined hands of the Triumviral coinage (most explicitly on coinage minted by Vibius Varus in 42, of Concordia and the clasped hands: *RRC* 494/41) must, in the first instance, be understood as a political (and possibly military) idea of *concordia.* Nevertheless, we should remember that such iconography was not confined to solely political depictions of mutual agreement and that it had a wider applicability for a Roman audience. The gesture of the clasped hands, in fact, encompassed a wide range of scenarios in artistic depictions, from interstate relations to *hospitium,* and even marital union.[57] The use of the *dextrarum iunctio* in funerary art from

56 On Concordia as a political concept see: Levick 1978; Lobur 2008; Akar 2013; see also Cornwell (forthcoming).

57 For the joining of hands in interstate relations see, for example, Nep. *Them.* 8.4.4: *rex eum data dextra in fidem reciperet*; Liv. 1.1.8: *dextra data fidem futurae amicitiae sanxisse;* Liv. 28.35.1: *Numidia cum ipso utique congredi Scipione volebat* [Massinissa] *atque eius dextra fidem sancire*; Liv. 30.13.8: *tum recordatio hospitii dextraeque datae et foederis publice et privatim iuncti*; Liv. 45.12.6: *tum demum Popilius dextram regi* [Antiochus] *tamquam socio atque amico porrexit*; see also the wall fresco from a tomb on the Esquiline, depicting the negotiation between Q. Fabius and M. Fannius during the Samnite Wars of the first half of the third century BCE (Musei Capitolini collection inv. 1025). It should be noted that here the two figures are offering their right hands, but have not clasped them. My thanks to Dominik Maschek for drawing my attention to this distinction.

For examples of *hospitium*: Liv. 30.13.18 (above); Verg. *Aen.* 3.83: *iungimus hospitio dextras et tecta subimus;* Tac. *Hist.* 1.54.1: *miserat civitas Lingonum vetere instituto dona legionibus dextras, hospitii insigne*; Sil. *Pun.* 17.67-8: *immemor hic dextraeque datae iunctique per aras / foederis, et mensas testis atque hospita iura*; the *tessera hospitalis* of Publicus Turullius (Museo Arqueológico Nacional): see Ferrer Maestro – Benedito Nuez 2012: 27-28.

For the joining of hands in marriage see, for example, Ov. *Met.* 14.297: *inde fides dextraeque datae thalamque receptus / coniugii dotem sociorum copora poscit;* Stat. *Silv.* 3.4.53-5: *norat caelestis oculos ducis ipsaque taedas / iunxerat et plena dederat conubia dextra*; see Treggari 1991: esp. 164-165 for the artistic significance of the joining of hands in marriage, in contrast to the

the late first BCE onwards indicates that the gesture was frequently used as a shorthand to signify marriage or a married couple.[58] Moreover, the concept of *concordia coniugum* is clearly attested in literary sources from Plautus onwards, notably in his *Amphitryon,* whose plot is in part driven by the *tumultus* between wife and husband. Mercury tells the audience *denique Alcumenam Iuppiter / rediget antiquam coniugi in concordiam* (*Amph.* 474-5: 'Finally, Jupiter will return Alcumena to old concord with her husband').[59] Cicero certainly attests to the concept that marriage should be based on agreement: *eae nuptiae plenae dignitatis, plenae concordiae* (*Cluent.* 12) and the epigraphic record indicates that such *concordia*, at least as the ideal, endures: *nota concordia nostra* (*CIL* 6.1527 [*laudatio Turiae*], 2.34).

None of this is to deny the overt political rhetoric of the *dextrarum iunctio* on the coinage of the Triumviral period. Nevertheless, the range of the gesture and motif in art, applicable as it was to numerous scenarios of pledging faith, indicates that it was a useful artistic tool open to multi-layered applications. The coins of 42 and 39 offer a generic depiction of *concordia* (together with *pax* in 39), albeit it one intimately associated with the individuals of the Triumvirate. I would argue that given the relevance of the establishment of *adfinitas* and *necessitudo,* at the insistence of the troops in the narratives, it is not implausible to seem the symbolic value of marriage permeating the references to *concordia.* Indeed, that Antony made use of Octavia on his eastern coinage would further stress the relevance of such visual indications.[60] Such coinage, along with all coinage minted as a display of Triumviral unity presumably aimed to appeal, in the first instance, to the troops.

Concordia had become the possession of a few select individuals, rather than the *civitas*, although the soldiers appear to have been (self-)styled as stake-holders. Most notable is the dedication of a *signum Concordiae*, together with an altar on 12 October 40 BCE at Casinum, in southern Latium, by the

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limited literary testimony, although there is plenty regarding the gesture as a pledge of faith in other circumstances, see n. 48 above for some instances of *data dextra* and *fides*.

58 Stuppreich 1983; Davies 1985; Kockel 1993: 49-50; Maschek 2012: 182.

59 See also Plaut. *Amph.* 962, 965.

60 *RPC* 1463-1465 (the jugate bare heads of Antony and young Caesar, facing the draped bust of Octavia on the obverse); *RPC* 1468-1469 (head of Antony facing the bust of Octavia on the obverse); *RPC* 1470 (jugate heads of Antony and Octavia); *Syd* 1197 (ivy-crowned bust of Antony on obverse; draped bust of Octavia above a cista, flanked by coiled serpents on the reverse); *Syd* 1198 (conjoined bust of Antony and Octavia on the obverse).

duoviri Marcus Papius and Lucius Matrius.[61] Coarelli has argued that Casinum was most likely elevated from a *municipium* to *colonia* in the veteran settlements of 41.[62] Their choice of Concordia suggests the contemporary currency of the term to such a community, which may plausible be echoed in several of the names of other contemporary veteran settlements such as *Iulia Concordia* at Beneventum, *Concordia Iulia [Felix Augusta]* at Capua, and *Iulia Concordia* at Concordia.[63] The Triumviral rhetoric of *concordia* appears to have had a resonance with soldiers and veterans, beyond the immediate present of the marriage union, which was proof of the concord itself. It also represented the union of the two armies themselves: *hique pepigerunt fidem confirmatissimam et in una castra conferri signa utriusque exercitus iusserunt* (Liv. *Fr.* 52 [127] *Porphyrio*: 'they fixed upon the most resolute faith and they ordered the standards of both armies to be carried into one camp').

The numismatic shorthand would in fact come also to indicate the *fides exercituum* during the civil wars of 69 CE.[64]

* * *

After their final negotiations at Tarentum in 37, there was little cause or need for Antony and young Caesar to re-enter negotiations until Antony's rejection of his marriage with Octavia, although channels of communication in the form of private letters and public speeches and messages, as well as constant embassies between the two appear to have been maintained (Dio Cass. 5.2.1). The *repudium,* which Antony served Octavia (Liv. *Per.* 132; Dio Cass. 50.3.2), was an explicit severing of the συγγένεια/*adfinitas* between the two remaining Triumvirs. The rejection of the bonds of *concordia* signified in the marital union of 40 BCE was effectively the termination of the political currency of reconciliation that had shaped much of the Triumviral rhetoric.

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61 *CIL* 10.5159.

62 Coarelli 2007.

63 Keppie 1983: 49-82, esp. 58-69. For allusions to *pax* in relation to a colonial settlement see Forum Iulii as *Colonia Octavanorum Pacensis Classica: Plin. HN* 3.5.34*; CIL* 12.285 = *ILN Fréjus* 117; *CIL* 12.3203 (*Forum Iulii Pacatum*); Christol 2015. See also *Pax Iulia* in Lusitania.

64 *RIC* Civil Wars 118-122, 126; *RIC* Vit. 41, 47, 52-54, 67; continued by Vespasian in 71: *RIC* Vesp. 70-72, 156, 229. The clasped hands together with the caduceus were also associated with *PAX*: *RIC* Civil Wars 2, 4-7, 10, 22, 31, 34, 103, 113; and with *PAX ET LIBERTAS*: *RIC* Civil Wars 57-58.

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CHILDREN FOR THE FAMILY, CHILDREN FOR THE STATE:
ATTITUDES TOWARDS AND THE HANDLING OF OFFSPRING DURING THE TRIUMVIRATE

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This paper aims to examine how Rome's leaders used children in politics during the Triumvirate. There are numerous episodes preserved in the tradition that suggest that the role of children in politics was not a sporadic or impromptu event, but instead was an established practice. Indeed, scrutiny of the available evidences shows that children were quite important to political and diplomatic processes, as can be gleaned not only from the role of those who launched such initiatives (i.e. the parents or close relatives of the youngsters involved, who themselves were the protagonists of Triumviral politics), but also from the contexts in which children entered the political and diplomatic arenas (i.e. during crucial moments in the period's history).

The present chapter asks the following questions: What were the usual reasons for using children and how were such plans implemented? Was this a longstanding and traditional custom or did it constitute something innovative in the period? What arguments and tools were employed to legitimize this practice?

The principles that governed the public and private lives of the ruling class acknowledged the fundamental value that male children had for both the family and the wider community. For the family, progeny guaranteed the continuation of the *nomen* and ensured its presence in the ranks of the future generations of Rome's ruling oligarchy; having sons enabled a

family's historical memory and the cult of the *sacra gentilicia* to survive. As for the community, male children enabled the ruling class to hold onto its power, which in turn provided stability for the state; the next generation's involvement in statecraft guaranteed that families could pass down the requisite skills for the future maintenance of the *res publica*. Furthermore, children embodied a fusion of the bloodlines of the paternal and maternal families and hence offered a tool that could solidify alliances between different *gentes* that had first been established through marriage.[1]

Because of their value, families protected their children, but they nevertheless exploited them for political ends. Hence, the young could be exposed to different types of risks and at times even found themselves in grave danger. While there are numerous examples that could be cited, Cicero's observations immediately after the death of Caesar regarding the miscarriage that Junia Tertia or 'Tertulla' suffered when she lost her son Cassius Longinus offer an illustrative example. In a letter to his friend Titus Pomponius Atticus, dated 11th May 44 BCE, the orator from Arpinum expressed how sorry he was about what had happened, not only because of his friendship with Brutus and Cassius – who were the late child's uncle and father, respectively – but also because of the political damage resulting from the unfortunate event: the child would have further strengthened the precious bond between the two assassins of Caesar and, above all, would have guaranteed a new heir to the Republican cause: "I am sorry to hear of Tertulla's miscarriage. We need to keep up our stock of Cassii now as much as of Bruti."[2]

During the Triumvirate as well as the months leading up to its inception, which were characterized by a certain homogeneity, Roman leaders involved their young children in their political machinations on several different occasions.

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1 For children's recognized value, cf. Betrami 1998: 11-15; Weaver 2001: 101-114; Rawson 2003: 269-335; Baroin 2010: 19-20; Dasen 2010: 109; for the relationship between parents and children, cf. Evans 1991: 166-195. For republican ideology and the family, cf. Pani – Todisco 2005: 49-50 and 70-72.

2 Cic. *Att*. 14.20.2: *Tertullae nollem abortum. tam enim Cassii sunt iam quam Bruti serendi*. See Caputo 2017: 88-90. For the dating of the letter, cf. Marinone 2004: 240. Cassius had another son, maybe born from Tertulla, probably around 60 BCE; cf. Plut. *Brut*. 14.4.

1. The objectives

There were many objectives for which children were 'used'.

1.1 To build alliances

Traditionally, exponents of the ruling class in Rome arranged engagements and marriages for their children in order to create alliances, seal economic agreements and resolve legal problems.[3] After Caesar's assassination, this practice became more frequent and the children involved in *sponsalia* became younger and younger,[4] as we can glean from the following cases: in the 39 BCE, the three-year-old Marcus Claudius Marcellus, son of Octavia and stepson of Mark Antony, was engaged to Sextus Pompeius' daughter, Pompea, who was just five or six years old at the time. The purpose of the betrothal was to secure the Pact of Misenum.[5] In 37 BCE, in order to strengthen the Treaty of Tarentum, the two-year-old Antonia the Elder, the daughter of Octavia and Mark Antony, was betrothed to Lucius Domitius Ahenobarbus, who was twelve years old at the time. In fact, Mark Antony welcomed Cnaeus Domitius Ahenobarbus into his *factio* thanks to this engagement.[6] On the same occasion, Julia the Elder, the daughter of Octavian, who was the same age as Antonia, was betrothed to nine-year-old Antyllus.[7] Some time later, but prior to 31 BCE, another engagement was arranged, this time between Julia the Elder and the son of Cotiso, the King of the Getae. In this case, the agreement between Cotiso and Octavian would lead to the end of incursions into the Roman territory by peoples from the northern shores of the Danube.[8] Interestingly, here we can observe Octavian applying the strategy that he used for his domestic policy to his foreign policy. Accordingly, he was partaking in a custom that

3 Bruhns 1990: 571-594.

4 See Fayer 2016: 101-106.

5 App. *B Civ.* 5.73.312; Dio Cass. 48.38.3. See Cosi 1996: 257. The birthday of Pompea, the only daughter of Sextus and Scribonia, remains unknown: cf. Lindsay 2002: 181.

6 Suet. *Ner.* 5.1; Plut. *Ant.* 87.6; Dio Cass. 48.54.4. Cnaeus Domitius Ahenobarbus, Lucius' father, at those times was close to Antony: cf. Valentini 2015: 138-148.

7 Suet. *Aug.* 63.2. also see Dio Cass. 48.54.4; 51.15.5. cf. Fantham 2006: 27; Welch 2012: 114; 244. For Antony's and Fulvia's sons, cf. Masi Doria – Cascione 2016: 234-236.

8 Suet. *Aug.* 63.2. For the military strategy chosen by Octavian: Hor. *Carm*. 3.8.18; Flor. 2.28.

was common in the Hellenistic dynasties, by means of which leading families used marriage to bolster agreements between states. In 35 BCE Vipsania Agrippina, the one-year-old daughter of Marcus Agrippa and Pomponia Caecilia Attica, was betrothed to the seven-year-old Tiberius. This arrangement was meant unite Agrippa, who, despite his humble origins, played a central role in Octavian's military operations, with Livia's son, who was an heir of a prestigious *gens* and a member of the future prince's family.[9] Mark Antony kept up the practice of betrothing his children to create political alliances, even with the children that were born from union with Cleopatra: in 34 BCE he betrothed their son Alexander Helios to Iotape, the daughter of the Median king.[10]

In addition to betrothals, actual marriages were also arranged for the same purpose. In 43 BCE, for example, Octavian married Claudia, the daughter of Fulvia and Publius Clodius Pulcher to anchor the Triumviral alliance:

> In his youth he was betrothed to the daughter of Publius Servilius Isauricus, but when he became reconciled with Antony after their first quarrel, and their troops begged that the rivals be further united by some tie of kinship, he took as wife Antony's stepdaughter Claudia, daughter of Fulvia by Publius Clodius, although she was barely of marriageable age; but because of a falling out with his mother-in-law Fulvia, he divorced her before they had begun to live together.[11]

It is not known whether Mark Antony, her mother's husband, was actually Claudia's legal guardian; that said, he certainly did play a decision-making role in the arrangement and his daughter "by marriage" was, therefore, instrumental in her stepfather's political strategies.

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9 Nep. *Att*. 19.4; Dio Cass. 54.31.2; cf. 57.2.7. For Atticus' daughter, cf. Leon 1962: 35-36; Musso 2006: 139-174.

10 Plut. *Ant*. 53.12; Dio Cass. 49.40.2; 49.44.2. After Antony's death, his children were involved in Octavian's matrimonial strategies and politics: after 29 BCE Cleopatra Selene, born in 40 BCE, was engaged to Juba II of Numidia and Mauretania: Plut. *Ant*. 87.1-2; Dio Cass. 49.40.2; 51.15.6; cf. Le Gall 1987: 223-229.

11 Suet. *Aug*. 62*: Sponsam habuerat adulescens P. Servili Isaurici filiam, sed reconciliatus post primam discordiam Antonio, expostulantibus utriusque militibus ut et necessitudine aliqua iungerentur, privignam eius Claudiam, Fulviae ex P. Clodio filiam, duxit uxorem vixdum nubilem ac simultate cum Fulvia socru orta dimisit intactam adhuc et virginem*. Cf. Masi Doria – Cascione 2016: 234.

1.2 To Legitimization of the father's *sodales*

Undoubtedly, Mark Antony's family placed value on the Triumvir's son Antyllus and Iullus, since they could assist in building alliances, but there was also another objective: to legitimize the initiatives of the *pater*'s *sodales* – his brother Lucius, his wife Fulvia and the *procurator* Manius – in Antony's absence. This happened during the Perusine War between 41 and 40 BCE. Lucius and Manius paraded six-year-old Antyllus and two-year-old Iullus and their mother in front of the soldiers: they urged the troops to ask Octavian to involve Antony's party in the allocation of land and used these young children to demonstrate that they were acting as Antony's legitimate representatives: "They themselves brought Fulvia and Antony's children before the soldiers, and, in terms such as would cause ill feeling, besought them not to forget Antony or allow him to be deprived of the glory or the gratitude due to his service to them."[12] Fulvia also recognized how the children could help represent their father's interests: "While Octavian was leading out the last of the colonies she sent the children of Antony, together with Lucius, to follow him, so that he should not acquire too great éclat with the army by being seen alone."[13] Lucius, with Antyllus and Iullus, cooperated with Octavian, who was then doling out land. Furthermore, Lucius Antonius found yet another way to make use of his nephews, as Appian reports:

> A body of Octavian's cavalry made an expedition to the coast of Bruttium, which Pompeius was ravaging, and Lucius either thought or pretended to think that it had been sent against himself and Antony's children. Accordingly, he betook himself to the Antonian colonies to collect a body-guard.[14]

If this truly took place, the threat to Mark Antony's sons would demonstrate just how important Octavian's side considered these children for

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12 App. *B Civ.* 5.14.56: καὶ ἐς τὸν στρατὸν αὐτοὶ τήν τε Φουλβίαν παράγοντες καὶ τὰ παιδία τὰ Ἀντωνίου, μάλα ἐπιφθόνως ἱκέτευον μὴ περιιδεῖν Ἀντώνιον ἢ δόξης ἢ χάριτος τῆς ἐς αὐτοὺς ὑπηρεσίας ἀφαιρούμενον. About this episode: Masi Doria – Cascione 2016: 230-233. Cf. more widely *infra*.

13 App. *B Civ.* 5.19.76: ἐξιόντος δὲ τοῦ Καίσαρος ἐς τὰ λοιπὰ τῶν κατοικίσεων, ἔπεμπεν ἑψομένους αὐτῷ τοὺς Ἀντωνίου παῖδας ἅμα τῷ Λευκίῳ, ὡς μηδὲν ἐκ τῆς ὄψεως ὁ Καῖσαρ ἐν τῷ στρατῷ πλέον ἔχοι.

14 App. *B Civ.* 5.19.77: ἱππέων δὲ Καίσαρος ἐκτρεχόντων ἐπὶ τὴν Βρεττίων ἠιόνα, πορθουμένην ὑπὸ Πομπηίου, δόξας ὁ Λεύκιος ἢ ὑποκρινάμενος ἐφ᾽ ἑαυτὸν καὶ τοὺς Ἀντωνίου παῖδας τόδε τὸ ἱππικὸν ἀπεστάλθαι, διέδραμεν ἐς τὰς Ἀντωνίου κατοικίας, συλλεγόμενος φρουρὰν τῷ σώματι. Cf. Mangiameli 2012: 177-178.

the Triumvir of the East. And even if Appian's story is not factual, it nevertheless attests to the importance of the subject for Antony's veterans.

In the case of the Perusine War, the presence of Antyllus and Iullus only had symbolic value because of their very young age. Antyllus had in fact already been used in a similar way two years earlier in April 43 BCE. At that time, the Senate was about to declare Mark Antony, who had been defeated in Modena, a *hostis publicus*; his wife Fulvia and his mother Julia took the little boy with them into the streets of Rome to plead against the passage of this order:

> The mother, the wife, and the son of Antony (who was still a little boy), and his other relatives and friends went around the whole night visiting the houses of influential men and beseeching them. In the morning they put themselves in the way of those going to the senate-house, fell at their feet with wailing and lamentation and in mourning garments, crying out alongside the doors. Some of the senators were moved by these cries, this spectacle, this so sudden change of fortune.[15]

The purpose of Antyllus' presence was to achieve two objectives: to legitimize the two women who were acting as Antony's representatives and also to gain the senators' pity, since the son would have lost all his rights, had his *pater* been condemned.[16]

1.3 On behalf of the father

Even Mark Antony chose to have his sons represent him. After he had been defeated at Actium in 31 BCE, he entrusted Antyllus with the delicate mission of negotiating the conditions of his surrender: "So Antony despatched a third embassy, sending him his son Antyllus with much gold. Caesar accepted the money, but sent the boy back empty-handed, giving him no answer."[17] Antyllus was fifteen years old and Mark Antony had publicly

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15 App. *B Civ.* 3.51.211-212: Ἀντωνίου δὲ ἡ μήτηρ καὶ ἡ γυνὴ καὶ παῖς ἔτι μειράκιον οἵ τε ἄλλοι οἰκεῖοι καὶ φίλοι δι' ὅλης τῆς νυκτὸς ἐς τὰς τῶν δυνατῶν οἰκίας διέθεον ἱκετεύοντες καὶ μεθ' ἡμέραν ἐς τὸ βουλευτήριον ἰόντας ἠνώχλουν, ῥιπτούμενοί τε πρὸ ποδῶν σὺν οἰμωγῇ καὶ ὀλολυγαῖς καὶ μελαίνῃ στολῇ παρὰ θύραις ἐκβοῶντες. οἱ δὲ ὑπό τε τῆς φωνῆς καὶ τῆς ὄψεως καὶ μεταβολῆς ἐς τοσοῦτον αἰφνιδίου γενομένης ἐκάμπτοντο. Cf. Rohr Vio 2014: 100-101.

16 For the destiny of the *hostes publici*'s children at the end of the Republic, Allély 2008: 609-622.

17 Dio Cass. 51.8.4: τρίτην τε οὖν πρεσβείαν ἔστειλε, καὶ τὸν υἱὸν τὸν Ἄντυλλον μετὰ χρυσίου πολλοῦ αὐτῷ ἔπεμψεν· ὁ δὲ τὰ μὲν χρήματα ἔλαβεν, ἐκεῖνον δὲ διὰ κενῆς ἀνταπέστειλε,

celebrated his and Caesarion's more advanced age shortly before these events,[18] when he withdrew to Alexandria after his defeat at Actium:[19] the purpose of the celebration was to pass down his powers to his son in the future. Therefore we can see how Mark Antony put his own son's life at risk for a cause that he deemed to be of fundamental importance.

1.4 As instruments of the government

On other occasions, Roman politicians made arrangements so that in the future their sons would assume leading roles in the state. When Octavian and Livia got married in 38 BCE, Tiberius Claudius Nero kept their sons – four-year-old Tiberius and the unborn Drusus, whom Livia would give birth to soon after the celebration of her new marriage – in his household.[20] He decreed that upon his death, however, both of them would move in with their stepfather, who would in all likelihood become their legal guardian: this solution enabled Tiberius to ensure that in the future his *gens* would exercise some form of power in the state, thanks to his children's connection to Octavian; he therefore used his very young sons to keep his family at the top of the *res publica*, in accordance with aristocratic ideology.[21] Even Mark Antony sought to secure a place for his children in the future running of the state: with the so-called Donations of Alexandria in the autumn of 34 BCE, he not only invested Cleopatra VII with the title of Queen of Egypt, Cyprus, Libya and central Syria – countries she would govern with Caesarion – but he also gave Alexander Helios Armenia, Media and Parthia; Cleopatra Selene was awarded Cyrenaica and Libya, while Syria and Cilicia were given to Ptolemy Philadelphus.[22]

μηδεμίαν ἀπόκρισιν δούς. Because of his age, Antyllus was able to represent his father and possessed a certain degree of autonomy to act; one particular episode highlights this: Antyllus, without seeking his father's opinion, decided to give to his physician Philotas a series of precious cups: Plut. *Ant.* 28.7-11.

18 For the definition of the age of adulthood in Republican Rome, cf. Néraudau 1979: 98-102; Bradley 1991: 103-104 who analyzes the case of Marcus Tullius Cicero the younger.

19 Dio Cass. 51.6.1-2.

20 For the political meaning of this marriage, cf. Fraschetti 1994: 129-130; Rohr Vio 2016: 53-65.

21 In 33 BCE, when Tiberius died, these arrangements were applied: Dio Cass. 48.44.5. Cf. Levick 1976 (1999): 4.

22 Cf. Plut. *Ant*. 54.5-9; Dio Cass. 49.41.1-4; 50.1.5; 50.3.5. Cf. *RRC* 543. Cf. Cresci Marrone: forthcoming.

The children to whom the Queen of Egypt gave birth would unite the blood of the Egyptian ruling family and that of a Roman nobleman. They would therefore allow Rome to rule over the eastern territory, without imposing actual direct control over it. Otherwise, the Ptolemaic dynasty would have been excluded from governance and Egypt would have lost its independence. Accordingly, not only would dynastic continuation be guaranteed – something that was particularly important for the Egyptians, who were used to transferring power within the same family – but it would also fulfil the Roman need to control the territory around the Nile. In all likelihood, Cleopatra, who was thinking about the future of Caesarion, the son she had had with Julius Caesar, was thinking along similar lines.

While there was, therefore, a diverse array of ends to which Roman leaders could use their children, all these goals share a commonality: to exert influence in a time of revolution and transformation.

2. Mechanisms for using children for political ends

There were numerous ways that leaders in Ancient Rome used children politically. As has been discussed above, betrothals between children – even at a very young age – and marriage arrangements were one of the most frequent solutions to seal agreements of a political nature in the Triumviral period. Yet there were other ways that children were used as political pawns, namely as hostages.

Immediately after the murder of Caesar, for example, Caesar's supporters Mark Antony and Lepidus reached a temporary agreement with his assassins on March 17th 44 BCE. To seal the pact, the parties exchanged their sons as hostages. In essence, what we can see here is how arrangements that had previously been common between Rome and client kings were now being adapted to the domestic policy at a time of civil strife. Now Antyllus and Marcus Aemilius Lepidus the younger went to stay in the Roman residences of Cassius and Marcus Brutus: "those on the Capitol would not come down till they had secured the son of Lepidus and the son of Antony as hostages."[23]

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23 Dio Cass. 44.34.6: οὐ μέντοι καὶ πρότερον οἱ ἐν τῷ Καπιτωλίῳ ὄντες κατέβησαν πρὶν τόν τε τοῦ Λεπίδου καὶ τὸν τοῦ Ἀντωνίου παῖδα ἐν ὁμήρων λόγῳ λαβεῖν. Cf. Liv. *Per.* 116; App. *B Civ.* 2.142.594; Cicero mentions Antyllus and not Lepidus the younger: *Phil.* 2.90. Cf. Cristofoli 2002: 107.

Antyllus also stayed in a different house from his family in April 43 BCE: When the senate was about to vote on the condemnation of his father as a *hostis publicus*, he and his mother were guests in the house of Lucius Calpurnius Piso Caesoninus. In his speech to the senate in defence of Mark Antony, Piso referred to Antony's mother Julia, his wife Fulvia and his son Antyllus as "hostages" whom Antony had left behind in Rome:

> If Antony himself contemplated any such thing [i.e. an invasion] why did he leave as pledges in our hands his mother, his wife, and his grown up son, who are even now at the door of the Senate-house weeping and fearful, not on account of the policy of Antony, but of the overwhelming power of his enemies.[24]

They had all been abandoned in Rome: Antony's mother, because she received her son's *pietas*; his wife, who had his *affectio maritalis*; and his son, because he was the most precious possession for a *pater romanus* and for his *gens*. Those who had been left behind in Rome as "hostages" had to attest to Mark Antony's *bona fides* intentions. Antyllus could have been an excellent hostage later on, when his father sent him to negotiate with Octavian, but the latter decided not to take the young man into his custody.[25]

3. Children: from protection to threat

The value that children were acknowledged to have in the Triumviral era can be deduced from the interventions that were carried out to protect them and also the violent actions taken against them.

3.1 Protection

Many people acted to safeguard the children of current political leaders due to the undeniable value. It was often the mothers who acted to protect their children. While we have no reason to doubt that these women were motivated by strong emotional bonds, they would also have understood the value that their children held for their *pater* and the ability that a child had to

24 App. *B Civ.* 3.58.242: πῶς δ᾽ αὐτὸς Ἀντώνιος, εἴ τι τοιοῦτον ἐγίγνωσκε, τὰ ἐνέχυρα τὰ νῦν ὄντα πρὸ τοῦ βουλευτηρίου κατέλιπεν ἡμῖν; μητέρα καὶ γυναῖκα καὶ μειράκιον υἱόν; οἳ κλαίουσι καὶ δεδίασι νῦν οὐ τὴν Ἀντωνίου πολιτείαν, ἀλλὰ τὴν τῶν ἐχθρῶν δυναστείαν. Cf. Rohr Vio 2018: 49-52.

25 Cf. *supra*.

legitimize the actions of the father's surrogates. Fulvia, for instance, intervened to protect her children during the Perusine War: "Fulvia went there to meet Lepidus, saying now that she had fears for her children."[26] And when the clash ended with the defeat of Antony's soldiers, the matron took her children to a safe place with their father in the East: "For this reason Fulvia fled with her children to her husband, and many of the foremost men made their way partly to him and partly to Sextus in Sicily."[27]

Maternal uncles also protected their nephews.[28] In June 43 BCE, Marcus Brutus sent several letters to Cicero urging him to act in the senate on behalf of his nephews, the sons of his sister Junia Secunda and Marcus Aemilius Lepidus: he hoped that their destiny might be different from that of Lepidus, who would soon become *hostis publicus*,[29] and that they be put them under his *tutela*:

> I beg and implore you, Cicero, in the name of our friendship and your good will towards me, to forget that my sister's children are Lepidus' sons and to regard me as having replaced him as their father. If you grant so much, I am sure there is nothing you will hesitate to do on their behalf. Others may stand on different terms with their kith and kin, but nothing I can do for my sister's children can satisfy my feelings or my duty. And what mark of favour can honest men confer upon me (that is, if I am worthy of any such), or how am I going to help my mother and my sister and those children, if you and the rest of the Senate will not let their uncle Brutus count against their father Lepidus?[30]

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26 App. *B Civ.* 5.21.82-83: ἀνεχώρει δὲ καὶ Φουλβία πρὸς Λέπιδον, ἤδη λέγουσα περὶ τοῖς τέκνοις δεδιέναι. Rohr Vio 2013: 117.

27 Dio Cass. 48.15.2: καὶ διὰ τοῦθ' ἥ τε Φουλουία πρὸς τὸν ἄνδρα μετὰ τῶν τέκνων ἀπέδρα, καὶ τῶν ἄλλων τῶν πρώτων συχνοὶ οἱ μὲν πρὸς ἐκεῖνον οἱ δὲ καὶ πρὸς τὸν Σέξτον ἐς τὴν Σικελίαν ἀπεχώρησαν. Cf. Rohr Vio 2013: 121-122.

28 For the relationship between children and uncles, cf. Bettini 1986: 58; Rawson 2003: 241-242.

29 Cic. *Fam*. 12.10.1; *Ad Brut*. 20 (1.12) 1-2; 23 (1.15)10-13; 26 (1.18) 6; Liv. *Per*. 119; Vell. Pat. 2.66; App. *B Civ.* 3.89.369; Dio Cass. 46.51.4. See also Cic. *Fam*. 10.21.4.

30 Cf. Cic. *Ad Brut*. 21 (1.13) 1: *oro atque obsecro te, Cicero, necessitudinem nostram tuamque in me benevolentiam obtestans, sororis meae liberos obliviscaris esse Lepidi filios meque iis in patris locum successisse existimes. Hoc si a te impetro, nihil profecto dubitabis pro iis suscipere. aliter alii cum suis vivunt; nihil ego possum in sororis meae liberis facere quo possit expleri voluntas mea aut officium. quid vero aut mihi tribuere boni possunt, si modo digni sumus quibus aliquid tribuatur, aut ego matri ac sorori puerisque illis praestaturus sum, si nihil valuerit apud te reliquumque senatum contra patrem Lepidum Brutus avunculus?* Cf. also Cic. *Ad Brut*. 20 (1.12), 2; 23 (1.15), 13; 26 (1.18) 6. Cic. *Phil.* 13.8. See Bettini 1986: 58 and 74. For the destiny of *hostes publici*'s children in the Sullan age: Liv. *Per*. 89; Sen. *Dial*. 4.34.3; Plut. *Sull.* 31.4; Cic. *Verr*. 2.1.123; *Fam*. 13.5.2; during Caesar's dictatorship: Dio Cass. 43.50.2; 51.21.6.

Brutus, who was childless, probably believed that the young children could take over his political role in Rome. Octavian also acted as a maternal uncle: Dio reports that in his speech to the troops at Actium, Octavian highlighted Antony's many betrayals of Roman tradition: in particular, he reminded them of how his enemy had neglected his own children from his legitimate marriage with Octavia, while instead he chose to reward the illegitimate children whom he had with the Queen of Egypt:

> Yet I myself was so devoted to him at the beginning that I gave him a share in our command, married my sister to him, and granted him legions. After that I felt so kindly, so affectionately, towards him, that I was unwilling to wage war on him merely because he had insulted my sister, or because he neglected the children she had borne him, or because he preferred the Egyptian woman to her, or because he bestowed upon that woman's children practically all your possessions, or for any other cause.[31]

Octavian's words were based on his knowledge of two important initiatives that Antony had undertaken: the *donatio* of Alexandria, with which he had placed parts of the Roman empire under the command of the children he had with Cleopatra, and the inclusion of these youngsters as full heirs in his will.

Political supporters of a certain *pater* would also intervene to protect their ally's children. As mentioned previously, Calpurnius Piso acted on behalf of Antyllus in the spring of 43 BCE;[32] in the same context, Atticus likewise did everything in his power to protect members of Antony's family against those who were threatening them and he supported Fulvia both legally and financially:

> When Antony was judged a public enemy and had left Italy, no one expected to see his power restored. Not only his personal enemies, who were then very numerous and powerful, but also those who joined his opponents and hoped to gain some advantage by injuring him persecuted his friends, tried to rob his wife Fulvia of all her possessions, and were even preparing to destroy his children. Although Atticus was very intimate with Cicero and a close friend of Brutus, so

31 Dio Cass. 50.26.1-3: Καίτοι ἔγωγε καὶ τὸ κατ᾽ ἀρχὰς οὕτω περὶ αὐτὸν ἐσπούδασα ὥστ᾽ αὐτῷ καὶ τῆς ἡμετέρας ἡγεμονίας μεταδοῦναι καὶ τὴν ἐμαυτοῦ ἀδελφὴν συνοικίσαι καὶ στρατεύματα χαρίσασθαι· καὶ μετὰ τοῦθ᾽ οὕτως ἐπιεικῶς, οὕτω φιλικῶς πρὸς αὐτὸν ἔσχον ὥστε μήθ᾽ ὅτι τὴν ἀδελφήν μου ὕβρισε, μήθ᾽ ὅτι τῶν γεννηθέντων οἱ ἐξ αὐτῆς τέκνων ἠμέλησε, μήθ᾽ ὅτι τὴν Αἰγυπτίαν αὐτῆς προετίμησε, μήθ᾽ ὅτι τοῖς ἐκείνης παισὶ πάνθ᾽ ὡς εἰπεῖν τὰ ὑμέτερα ἐδωρήσατο, μήτε δι᾽ ἄλλο μηδὲν ἐθελῆσαι αὐτῷ πολεμῆσαι. Cf. Millar 1961: 12-15; Mangiameli 2012: 260; Mastrorosa 2014. For military speeches, see Pina Polo 1989: 199-218.

32 Cf. *supra*.

> far was he from being induced to help them injure Antony, that on the contrary he protected the latter's friends as much as he could in their flight from the city, and gave them what help they required.[33]

When Fulvia left Rome with her children to join her husband after the defeat in Perusia, she was supported by Lucius Munatius Plancus. His aim was to protect both the wife and the children of the Triumvir of the East, because they were of unquestionable value for Antony's *factio*.[34]

The need to protect the offspring – even if unborn, as in the following case – seems to be behind an official measure passed by the senate. In 35 BCE, of the honours bestowed upon Octavian to celebrate his successes in Pannonia, his wife Livia and his sister Octavia were awarded the *sacrosanctitas*. It is more than likely that they wished to grant special protection to the two women because they would become – in the case of Livia – the future mother of Octavian's children, or – in the case of Octavia – already was the mother of children who were Octavian's blood-relations and hence were children who would be involved in the future of his *gens*.[35]

3.2 Threats to the children

The value that children had in terms of political influence can be deduced not only from the measures taken to protect them, but also from the threats to their safety.

Our sources reveal cases of children being assassinated during the proscriptions, when violence in Rome affected families. We know, for example, of an anonymous orphan who was murdered between the end of 43 BCE and the beginning of 42 when he was on his way to school with his pedagogue as

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33 Nep. *Att*. 9.2-3: *Hostis Antonius iudicatus Italia cesserat; spes restituendi nulla erat. Non solum inimici, qui tum erant potentissimi et plurimi, sed etiam, qui adversariis eius se dabant et in eo laedendo aliquam consecuturos sperabant commoditatem, Antonii familiares insequebantur, uxorem Fulviam omnibus rebus spoliare cupiebant, liberos etiam exstinguere parabant. Atticus cum Ciceronis intima familiaritate uteretur, amicissimus esset Bruto, non modo nihil his indulsit ad Antonium violandum, sed e contrario familiares eius ex urbe profugientes, quantum potuit, texit, quibus rebus indiguerunt, adiuvit*. Cf. Rohr Vio 2013: 95-96.

34 Cf. *supra*.

35 For the measure favoring Livia and Octavia: Dio Cass. 49.38.1. For the interpretation about honor, cf. Cosi 1996: 255-272; Barrett 2002 (2006); Cenerini 2018: 183-194.

well as the killing of a certain Atilius, who came from a wealthy family.[36] But in addition to these cases where the exact background of the victim remains somewhat murky, there were other instances that involved well-known figures. Mention has already made of the threats levelled against Mark Antony's children, which Lucius Antonius denounced during the Perusine War.[37] In 31 BCE, Octavian had Caesarion killed because he was presented as the biological son of Julius Caesar and had been acknowledged as such by Mark Antony when he declared him king of Egypt alongside Cleopatra:[38] "Not a good thing were a Caesar too many," Plutarch wrote.[39] Antyllus was assassinated at the same time to prevent him from rallying his father's followers.[40] Indeed, evidence shows that Mark Antony had conferred more importance and visibility on his son ever since 34 BCE, as is confirmed by a gold coin which had Antony's likeness on the obverse of the coin and Antyllus' portrait on the reverse.[41] Both young men could have mustered supporters in Egypt, legitimized by their blood ties to Queen Cleopatra and Mark Antony: they certainly would have had strong claims for dynastic continuation, had they survived.[42]

4. The legitimizing power of historical precedents

Before the dawn of the Triumviral age, there were already a series of precedents for political leaders manipulating a child to their advantage. Indeed, during the civil wars it had become common practice to use one's own offspring, – or even those of one's spouse – to pursue political agreements via arranged betrothals and marriages. In 88 BCE, for instance, Sulla arranged a marriage between his daughter and his supporter and partner in the

36 App. *B Civ.* 4.30.128-131.

37 Cf. *supra*.

38 Suet. *Aug.* 17.5. Cleopatra, probably in 42 BCE, had obtained the recognition of Caesarion as the king of Egypt: it was the reward for the help she promised to Publius Cornelius Dolabella against Cassius: Dio Cass. 47.31.5; cf. App. *B Civ.* 4.59.255-61.264; 5.8.32; Dio Cass. 47.30.4. Cf. Geraci 1983: 53-54 and n. 215.

39 Plut. *Ant.* 81.5: οὐκ ἀγαθὸν πολυκαισαρίη. Cf. Dio Cass. 51.6.1-2; 51.15.5. Cf. also Suet. *Iul.* 52.1-2; Dio Cass. 47.31.5; 49.41.2-3. Cf. 50.1.5; 50.3.5. For the proclamation as king of Egypt: Plut. *Ant.* 54.5-9; Dio Cass. 49.41.1.

40 Suet. *Aug.* 17.5; Plut. *Ant.* 87.1; Dio Cass. 51.6.1-2; 51.15.5.

41 *RRC* 538, no.541.1-2.

42 Dio Cass. 51.6.2.

consulship Quintus Pompeius Rufus, in order to give further stability to their alliance.[43] Between 86 and 84 BCE, Caesar was engaged to – if not actually married to – Cossutia, who came from a wealthy equestrian family: he had entered into a union with a member from a lower class, but such an arrangement proved quite useful from a financial point of view. The woman, for her part, secured a significant advancement in social status for her father as well as an important political alliance.[44]

In the past, children had also constituted a useful tool for enhancing the image of their father and *gens* more generally. After his defeat near the Ticinus River,[45] Publius Cornelius Scipio played up the actions of his seventeen-year-old son – the future Scipio Africanus – who had saved his life on the battlefield. This spin would have served to limit the negative impact that their defeat would have had on his image.[46]

Children had been used to plead for mercy and therefore protect their *patres* in dangerous situations. In 149 BCE, for instance, when Servius Sulpicius Galba was charged with the massacre of the Lusitanians, he brought his two sons, who were in tears, and the orphaned son of the late Caius Sulpicius Galus before the people to beg for a more lenient sentence.[47] Even Tiberius Sempronius Gracchus used his children to try and gain the people's sympathy in 132 BCE.[48]

Even before the Triumviral era, initiatives to protect children had been put into practice because of their recognized value. Between 85 and 84 BCE, for instance, when Sulla was branded as a *hostis*, Cornelia Metella Dalmatica left Rome to join her husband and ensure her children's safety.[49] In 59 BCE, Cicero summoned Lucius Valerius Flaccus into court as part of his father's

43 Hinard 1985 (2003): 26.

44 Tatum 2008: 30.

45 For the second Punic War among the extremely rich bibliography, cf. Brizzi 2018; for the Roman management of the defeat, cf. Cavaggioni 2013.

46 Polyb. 10.3.2-7; Liv. 21.46. Cf. Richardson 2018: 466.

47 Cic. *Brut*. 90; *De or*. 1.227-229.

48 Plut. *Ti Gracch* 13.6 writes the word παῖδας, while App. *B Civ.* 1.14.62 writes about just one υἱόν, present in the podium near to his father, who was haranguing the uprising people. According to Gamberale 1995: 433-440, Plutarch, obtaining information from a Latin source (maybe the historian Caius Fannius), misunderstood the acceptation of the word *liberi*, used as a singular.

49 Plut. *Sull*. 22.2: Cf. App. *B Civ.*1.73.340. Hinard 1985 (2003): 25.

defense in an extortion case.[50] Likewise in March 49 BCE, when Pompey left Italy with all his forces, the wives and children of his supporters travelled in his entourage.[51]

Before Caesar's murder, sources only contain a few other episodes, which mainly played out during emergencies, such as external and civil wars. In this earlier period, evidence suggests that Romans might consider using children as part of a solution, but only as a last resort in exceptional circumstances. An uptick in this practice during the Triumvirate would appear to respond to larger needs: to form or buttress alliances, to legitimize the *sodales* who acted on behalf of their political leader, to represent the latter in their absence and to find new ways of governing in the near and distant future. To legitimize such actions, big players on the political scene took advantage of earlier precedents. In addition to the abovementioned cases from earlier periods, it appears that politicians during the Triumvirate also referred back to some aspects of well-known legendary episodes from the Roman Monarchy and the early Republic, in which mothers and fathers took advantage of their children for political purposes. These anecdotes provided leaders of the Triumvirate with an interesting repertoire of *exempla*.[52]

5. Children in legends

Three episodes in particular focus on the role of children: the reconciliation of the Romans and the Sabines after the abduction the Sabine women, the detention and escape of Cloelia from the camp of the Etruscan king Porsena and, finally, the diplomatic mission of Veturia and Volumnia to Coriolanus.

5.1 Reconciliation after the abduction of the Sabine women

The armed clash and the reconciliation between the Romans and Sabine men were the first episodes in which the tradition recognised importance of the children born to the Sabines women, who had been the abducted, and the

50 Cic. *Flac.* 36.89.

51 Cf. Cic. *Att*. 9.6.3 on March 11th 49 BCE. Cf. Cic. *Att.* 9.9.2 on March 17th mentioned in this letter.

52 For the value of *exempla* in late Republican society, cf. Chaplin 2000: 16-29; Van der Blom 2010: 12-34 and 65-147; Roller 2018: 3-23.

Romans, who were their abductors.[53] This episode is replete with symbolic value, since it forms part of the founding of Rome. According to tradition, in order to stop the clash between fathers and husbands, the women rushed onto the battlefield to try and persuade the fighters to make peace. According to Livy, the first argument the women used was the repercussions that the Roman-Sabine clash would have on both the living children and those yet to be born:

> Then the Sabine women, whose wrong had given rise to the war, with loosened hair and torn garments, their woman's timidity lost in a sense of their misfortune, dared to go amongst the flying missiles, and rushing in from the side, to part the hostile forces and disarm them of their anger, beseeching their fathers on this side, on that their husbands, that fathers-in-law and sons-in-law should not stain themselves with impious bloodshed, nor pollute with parricide the suppliants' children, grandsons to one party and sons to the other.[54]

According to Plutarch's account, in order to ensure that the combatants received their message, the women who had already given birth to Roman children paraded them on the battlefield.[55] Writing about the same episode, Dionysius of Halicarnassus said that the Roman senate only gave permission to women who had already become mothers to mediate; furthermore, the senate introduced forms of protection for their precious offspring: they established that children should not accompany their mothers onto the battlefield, but should remain safe in their own homes, unless they had plenty of siblings which would therefore guarantee the continuation of the new bloodline.[56] When the Sabine women continued to take their children with them, it was not just to provoke the pity of their fathers and grandfathers on the battlefield, but it was also to legitimize their own actions: these mothers, by their very nature and their assigned role as women, would not have otherwise taken part in politics or military life. Moreover, these children were the embodiment of the merging of the bloodlines of the two

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53 Cf. Cic. *Rep*. 2.12-14; Dion. Hal. 2.30-47; Liv. 1.13; Ov. *Ars am*.1.101-102; Plut. *Rom*. 14-19.

54 Liv. 1.13.1-3: *Tum Sabinae mulieres, quarum ex iniuria bellum ortum erat, crinibus passis scissaque ueste, victo malis muliebri pavore, ausae se inter tela volantia inferre, ex transuerso impetu facto dirimere infestas acies, dirimere iras, hinc patres, hinc viros orantes, ne sanguine se nefando soceri generique respergerent, ne parricidio macularent partus suos, nepotum illi, hi liberum progeniem*.

55 Plut. *Rom*. 19.

56 Dion. Hal. 2.45.4; Cf. Mustakallio 1999: 53-64.

groups whose union allowed the new city of Rome to survive. As such, these children were guarantors of their alliance as well as the successors of their fathers' *gentes*, or rather, guarantors of the future of Rome. Livy's reference should be interpreted in the same way when he refers to the fact that in order to reassure the abducted young women, the Romans promised marriage, shared ownership of property and the birth of children. Livy's logical conclusion states that, following these events, the number of citizens doubled as did the city's strength.[57] The abduction of the Sabine women and the events connected to it therefore became the context in which roles were defined in Roman society concerning its three fundamental components: men, women and children.

5.2 The detention and escape of Cloelia from the camp of the Etruscan king Porsena

In 505 BCE, the Roman virgin Cloelia was given as a hostage to Porsena, the king of Clusium.[58] Fleeing the enemy camp with the other young women who were being held prisoners, she swam across the Tiber to reach Rome. Their fellow citizens, however, respected the pact that they had struck with the enemy and sent Cloelia and her fellow escapees back to the Etruscans; Porsena, impressed by her courage, returned her to the Romans and allowed her to take some of the other hostages along with her. Cloelia chose to free the youngest male hostages:

> When they had all been brought out it is said that she selected the young boys, because it was not only more seemly in a maiden, but was unanimously approved by the hostages themselves, that in delivering them from the enemy she should give the preference to those who were of an age which particularly exposed them to injury.[59]

Once again it is a tale that sheds light on a fundamental moment in the history of nascent Rome, which highlights the importance of children and the opportunity to establish procedures to protect them.

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57 Liv. 1.13.5.

58 Dion. Hal. 5.33.1-35.2; Liv. 2.13.6-11; Plut. *Publ*. 19.1-8. Cf. Mustakallio 1999: 53-64; 2012: 165-174; Roller 2018: 66-94.

59 Liv. 2.13.10: *Productis omnibus elegisse impubes dicitur; quod et virginitati decorum et consensu obsidum ipsorum probabile erat eam aetatem potissimum liberari ab hoste quae maxime opportuna iniuriae esset*.

5.3 The diplomatic mission of Veturia and Volumnia to Coriolanus

In 489/488 BCE, the children of Cnaeus Marcius Coriolanus also had a political role to play in the early history of the Roman Republic. While their father, who had been expelled from Rome, was leading an army of Volscians to lay siege to the city, Veturia, Coriolanus' mother, and Volumnia, his wife, came into the enemy camp bringing with them the general's two children.[60] While Coriolanus was initially unmoved, the speech that his mother made eventually convinced him to withdraw his troops: "The embraces of his wife and children, following this speech, and the tears of the entire company of women, and their lamentations for themselves and their country, at last broke through his resolution. He embraced his family and sent them back, and withdrew his forces from before the City."[61] It was therefore the children, along with Coriolanus' mother, who brought about a resolution in this situation.[62]

It is unknown when these legends were first written down. The version in which they are reported by historians from the late Republican and Imperial eras seems to suggest that they were composed in subsequent phases, but it is difficult to identify the processes by which and the time when content was added or subtracted to these traditional tales.[63] Some topics, in particular, appear to have been inserted or given prominence with the aim of legitimizing practices that were relevant in subsequent historical moments.[64] In all likelihood, Livy wrote the first books of his Roman history in the Triumviral age: book 1 in 33 BCE and books 2 and 3 by 31 BCE.[65] The way he recounts the rape of the Sabine women, for instance, would seem to be affected by his desire to answer to Mark Antony's accusations about the marriage of Octavian and Livia,

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60 For the presence of children, see Liv. 2.40.2. Cf. Valentini 2012: 143-145.

61 Liv. 2.40.9-10: *Uxor deinde ac liberi amplexi, fletusque ab omni turba mulierum ortus et comploratio sui patriaeque fregere tandem virum. Complexus inde suos dimittit: ipse retro ab urbe castra movit.*

62 For the role of women in the episode of Coriolanus, see Dion. Hal. 8.39-55; Liv. 2.40; Val. Max. 5.2.1 and 4.1; Plut. *Cor.* 33.1-37.5; Bonjour 1975: 157-181; Mustakallio 1990: 125-131; Beltrami 1998: 123-176.

63 Bettini 1989: 15-35.

64 Roller 2018 gives many examples. Chaplin 2000: 197 explains how in Livy *exempla* from the past are collected and applied to the present and how the present is envisioned as a potential model for the future.

65 Burton 2000: 429-446. Livy in the early books probably inserted a series of indirect references to happenings of the Late Republic.

which was presented as an abduction of the woman.[66] For our discussion, it is interesting to note that in Livy's account of the Sabine women's action, he highlights the role of the children, while in Octavian's marriage agreement the position of Tiberius and Drusus, the sons who had been conceived during the bride's first marriage, is underscored: the Sabine precedent was able to ensure a historic precedent which justified this type of attention and regard for the children in both family and community politics.[67] The memory of Cloelia had been recalled in the Triumviral age, in this case as part of a criticism against Antony: Cicero reproached Antony for his speech from the rostra while he was wearing a loincloth during the Lupercalia, which he contrasted to the example of Cloelia, who was completely dressed when she swam across the Tiber.[68] The evidence might therefore suggest that we ought to understand that some political messages were entrusted to an effective carrier (i.e. the legend), which provided a legitimization for practices that were put into place during emergencies of war (whether external or civil); in the post-Caesarian era, such stories could have been consolidated in the literary record.

6. Conclusions

Between Caesar's assassination and the beginning of the Augustan age, Rome's leaders often used children in politics. *Patres* employed this practice to different ends: to create political and economic alliances through engagements and marriages; to lend legitimacy to a father's *fautores*; to have sons accomplish actions on behalf of an absent father; and finally to spearhead government initiatives.

It was nothing new that children were being used for political purposes; in fact, these practices had some precedents in Roman history and even in the legends going back to the Monarchy and the early Republic. These authoritative precedents were used to justify parental and qualified them as consistent with the *mos maiorum*. During the Triumvirate, however, the frequency of this practice markedly rose due to the pressing needs of the time. These exceptional circumstances drove fathers to use their children for their own advantage, a

66 For the influence of Livia's memory and legendary stories of Roman queens, specifically Tanaquil, cf. Bauman 1994: 177-188; Berrino 2004: 20-32.

67 For the myth of Sabine women, cf. Smethurst 1950: 80-87; Pouchet 1967; Fox 1996; Grandazzi 1997.

68 Dion. Hal. 45.30.1-31.2. Cf. Roller 2018: 73-75.

practice that diverged from previous custom when children would be included in various events (e.g. a triumph) as an integral part of their training for a future career. The various protagonists of the Triumviral period employed these practices: Octavian applied it with Julia the Elder; Sextus Pompeius with Pompeia; Mark Antony with Antonia the Elder, Antyllus, Iullus, Alexander Helios, Ptolemy Philadelphus and Cleopatra Selene; Marcus Agrippa with Vipsania Agrippina; Tiberius Claudius Nero with Tiberius and Drusus; Marcus Aemilius Lepidus with his son.

The crucial role of children for the politics of the time is clearly seen in both the actions that parents, relatives and friends took to protect those children as well as the plots that enemies hatched against them.

A careful analysis of the regard in which children were held sheds light on the workings of Triumviral politics and also the urge of political actors to legitimize their conduct through recourse to precedents from Rome's distant past.

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III
STRATEGIES OF POLITICAL COMMUNICATION

THE INTERSECTION OF ORATORY AND INSTITUTIONAL CHANGE

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The Triumviral period was one of major political change at Rome, and it ended with the replacement of a system in which executive authority was held by annually-held magistrates elected by the citizen body with a military autocracy. This change was accompanied by or (in some cases after some lapse of time) followed by institutional changes, which created the position of *princeps* within a reshaped *res publica*. In this context of institutional change the role of oratory deserves attention. Throughout the Republican period oratory was an activity that not only served as an essential medium for communication within the state, but also was an integral part of the activity of men in public life.[1] The importance of oratory has been repeatedly stressed in recent research on the Republic, particularly in the context of discussing the role of people and of popular participation in political action.[2] If public speech was important in this earlier period, then we should expect its operation to change as the political context changed and for those changes to relate meaningfully to broader political developments.

This chapter explores the institutional framework for public speech in the period between the formation of the Triumvirate in 43 BC and Caesar's assumption of the title Augustus in 27 BC. Its focus is on the occasions and

1 Steel – van der Blom 2014; van der Blom 2016; Rosillo-López 2017.
2 Morstein-Marx 2004; Hölkeskamp 2010.

circumstances under which speeches were given; it thus seeks to provide a complementary approach to the question of oratory in the Triumviral period to that of Osgood, whose important article focuses on the continuity of oratory as elite performance adjusting to a new political dispensation.[3] It starts with the evidence for continuity in oratorical activity before considering the range of innovations that took place during this period. These new kinds of oratory, and new kinds of speakers, can be seen to mirror and underscore the profound transformations in the wider political sphere. However, oratory could also function as an important marker of continuity: widespread upheaval gave moments of apparent continuity with pre-civil war Rome a symbolic force which they had not had when such actions were normal elements in public life. The capacity that ordered public speech had to represent and confirm the existence of an ordered *res publica* underpins its ongoing importance, in markedly traditional form, into the Empire. The relationship between oratory and politics in the Triumviral period is thus close but not entirely predictable. It is also a relationship much shaped by the interests of the sources which preserve the scattered evidence. Dio and Appian, in particular, use public speech for distinctly different purposes within their narratives, with significant consequences for the material which each contains.[4]

There are some examples of oratory during the Triumviral period in each of the three major categories in use in the Republic period, that is deliberative oratory in the Senate and before the people and forensic oratory. The Senate continued to meet and deliberate, and a number of debates and their participants are recorded.[5] In 40 it responded to a request from Herod for assistance against Antigonus; M. Antonius and the suffect praetors L. Sempronius Atratinus and M. Valerius Messalla Corvinus spoke in the debate.[6] In 37 there were senatorial debates about the cities of Aphrodisias and Stratoniceia.[7] The epigraphic preservation of the evidence for the latter two occasions suggests continuity in the senatorial discussion of the details of foreign policy, albeit with the new element of the Triumvirs whose views, if

3 Osgood 2006a.

4 In general, Gowing 1992b.

5 For a full catalogue, Osgood 2006a: 530-534. For continuities in political practice, Millar 1973 and Pina Polo in this volume.

6 Joseph. *AJ* 14.384-385.

7 Aphrodisias: *RDGE* 28B, 29 (speakers: the consuls Calvisius Sabinus and Marcius Censorinus, Antonius, and Octavian); Stratoniceia, *RDGE* 27 (Marcius Censorinus)

given on a particular issue, might be expected to be decisive. Some *contiones* were given. Ventidius Bassus addressed the people in 38 after his return from successful campaigns against Labienus and the Parthians; this speech probably took place soon after his triumph and the address to the people following military victory can be paralleled in the Republican period.[8] Fonteius Capito is recorded as presiding over an assembly which passed a law concerning Cos; it is possible that the vote was preceded by exposition at a *contio*, but that is unclear.[9] (I discuss some other *contiones* below). There was also some forensic oratory. Pollio defended Aelius Lamia at some point during the Triumvirate.[10] And Messalla Corvinus and Servius Sulpicius Rufus spoke on opposite sides in a case, presumably a civil suit, concerning a woman called Aufidia.[11] Quintilian does not preserve a date or identify which Ser. Sulpicius was involved; if, as Syme argued, it was not the consul of 51 but his son, then a Triumviral date is possible.[12] This was the oratory of the Republic continuing; the level of activity, particularly of forensic oratory, appears to be considerably diminished, but the format appears in many respects unchanged.[13]

On some occasions, continuity of practice may have been less an indication that aspects of public life were unchanged and more a sign that those involved wished to assert a connection with the past. In 36, on his return from the campaigns in Sicily which ended the power of Lepidus and of Sextus Pompeius, Octavian summoned the people to a *contio* 'outside the *pomerium*, according to ancestral custom'.[14] His description of his successful campaigns can indeed be paralleled with examples from prior to the Civil War. However, much else about what was said at this meeting was very much of the Triumviral period. His declaration of fiscal policy, apparently without prior discussion with the Senate, reflects his position as triumvir; and the

8 Fronto *Ep*. 122.19-21.

9 Text, translation and commentary in Crawford 1996: 493-506. He notes (504), 'Our entire document is of course redolent of the casual disregard for Republican institutions that characterises the IIIviri...'.

10 Sen. *Suas*. 6.15.

11 Quint. *Inst.* 4.3.106-107; 10.1.22.

12 Syme 1981.

13 The loss of Cicero's testimony should not be underestimated, though, as a factor to explain the limited activity which is recorded.

14 Dio Cass. 49.15.3. In Appian (5.130) Octavian addresses both Senate and people; the detail about the location of the *contio* is missing, but the idea that this moment marks an end to Civil War is present, as is the detail that Octavian published a version of what he said.

offering of the position of *pontifex maximus*, and its refusal, at a *contio*, is similarly impossible in the pre-civil war environment. The expression of continuity in political practice was here juxtaposed to innovation. And on this occasion, it is relatively easy to see that Octavian's choice of location and audience for a speech as victorious commander involved an awareness of their historical significance. Indeed, the precise point may not have been constitutional propriety *per se*, but the opportunity to link his own achievements – complicated and ambiguous as they arguably were, with their conquest of Roman opponents and his reliance on his generals Agrippa and Statilius Taurus – with the less troubling historical examples of Aemilius Paullus and other great generals of Rome's second century conquests. It seems reasonable to think that Octavian's speech at this event was symbolically important, and even that he wished to signal through his address to the people outside the *pomerium* that a salutary return to the past was taking place, one which in particular reasserted a distinction between a civilian Rome and an external arena for warfare. How far his audience accepted this symbolic assertion, however, is much more difficult to assess.

If we turn now to aspects of oratory that changed, one aspect that is worth detailed assessment is the phenomenon of public speech by women.[15] The most famous example involves Hortensia, the daughter of the consul of 69. In 42 BC she spoke before the Triumvirs to challenge a tax which they had imposed on married women; she was successful to a certain extent, insofar as the Triumvirs reduced the number affected by the tax.[16] Appian places the encounter in the Forum, in front of the Triumvirs sitting as a tribunal; and Quintilian preserves the detail that a text of Hortensia's speech circulated. This was a public event.

Scepticism about some aspects of this event is justified; in particular, the person responsible for the text which Quintilian knew may not have been Hortensia. But the phenomenon of a woman speaking in public before one or more of the Triumvirs *can* be paralleled. That example is of the unnamed woman whose actions were commemorated by her husband in a funeral inscription, the so-called *Laudatio Turiae*.[17] These included an appearance

15 Manzo 2016.

16 Val. Max. 8.3.3; Quint. *Inst.* 1.1.6; App. *B Civ.* 4.32-34; Sumi 2004: 197-200; Milnor 2005: 221-226; Osgood 2006: 540-541; Lucchelli - Rohr Vio 2016.

17 *CIL* 6.41062. For text and full discussion, Osgood 2014; see also Flach 1991; Gowing 1992a; Franco 2016.

before Lepidus alone (Octavian's absence, in a document written during the Augustan period, is carefully noted) at which 'Turia' appealed to Lepidus over the terms of her husband's restoration of citizenship; she may also have appealed successfully over loss of property in the proscriptions. This example, preserved in a non-literary source, when taken together with the account of Hortensia, suggests that public speech by women did take place during the Triumvirate. Its emergence was a phenomenon shaped by the nature of the political crisis. Hortensia and 'Turia' were driven by the aspiration to preserve their family's property or legal integrity; their appeals were personal.[18] They found themselves required to speak because of the absence of male voices to undertake that role. Hortensia's father had died in 51; her brother at Philippi, shortly before the probable date of her appeal; her husband, Q. Servilius Caepio, had died in 67. 'Turia' had lost her parents during the civil war and her husband was absent. This sense of an obligation created by crisis and unfillable by other means is apparent in the narratives of Hortensia in both Appian and Valerius Maximus: the latter's contains the explicit observation that 'no man dared to take on their case'. Moreover, speech is a supplement to what might be considered more traditional means of exercising female power. In Appian, Hortensia and the women who accompanied her to the tribunal begin by appealing to the female relatives of the Triumvirs; they acquire the support of Octavia and Julia, but are repulsed by Fulvia; Hortensia then begins her speech by claiming that it is the repulse from Fulvia that has forced their delegation into the Forum. In Valerius Maximus, the fact that Hortensia is compelled to act in the absence of other speakers serves to make her conduct morally acceptable, in contrast to the other female speakers in the same chapter whose activity is shown to be transgressive.

The chapter in which Valerius Maximus includes the story of Hortensia is precisely about women who spoke before magistrates. His other two examples are women not otherwise attested; the second, perhaps called Carfania, died in 48 BC, so her activity is late Republican in date. She spoke *apud praetorem* in civil suits, 'not because she didn't have those who could speak for her but because she was too bold'.[19] The account of the first, Maesia, does not contain any firm dating evidence; it seems that she was prosecuted

18 As Osgood (2006a: 540) notes, there is no indication in Appian that Hortensia was attacking the Triumvirate more generally: his representation of her speech draws attention to the lack of male protectors for the women affected.

19 Val. Max. 8.3.2: *...non quod aduocatis deficiebatur, sed quod impudentia abundabat.*

in a *iudicium publicum* and spoke in her own defence. If that is the case and if the anecdotes in this chapter are in chronological order, then Maesia is a remarkable and unparalleled example of a woman in the Republican period giving a speech in front of a jury. However, it is perhaps possible that what lies behind this story – if indeed anything does – is robust evidence given as a witness in her own defence. Women gave evidence in court regularly during the Republican period.[20] Other female defendants are attested.[21] There is also one example of a woman speaking at a *contio*: in 100 Sempronia was brought before a *contio* and denied that L. Equitius was the son of her brother Tiberius Gracchus.[22] These examples stood out for Valerius Maximus because of their rarity. Women's speech in the pre-Triumviral period was otherwise confined to the domestic sphere. They could offer models of language use; and participate in *consilia*. In *De Oratore* the character Crassus, in the early stages of the discussion of style, notes that his mother-in-law Laelia preserved an old-fashioned quality of speech. Her value is as a conduit to an earlier age and orators – in this case, specifically her father Laelius, the consul of 140 BC, who would otherwise be unheard by those of later generations. *Consilia* offered a potentially more dynamic environment for women's voices: they appear to have attended and been free to speak, and *consilia* were at least potentially a location for formal addresses. However, it is to be remembered that our best-attested *consilium* in which a woman was involved was the meeting in June 44 BC to discuss the right strategy for Brutus and Cassius to adopt in relation to their provincial commands, in which Brutus' mother Servilia played a prominent role.[23] This may well have been unusual in a number of respects given the heightened political tensions following the assassination of Caesar and the threats of violence which the two praetors faced. It is certainly possible that women throughout the Republican period were speaking effectively in the domestic context of the *consilium*. But it is perhaps more likely that Servilia's prominence on this occasion was not

20 Guerin 2015: 60-62.

21 The *mulier Arretina* defended by Cicero in the 70s (*Caec*. 96-97); Titinia (Cic. *Brut*. 217, *Orat*. 129).

22 Val. Max. 3.8.6; Pina Polo 1996: 36-37. The case is particularly striking because it appears that Sempronia refused to say what the individual calling the *contio* – probably Saturninus – wanted her to say, namely that Equitius was her nephew. It is not clear from Valerius Maximus if Sempronia addressed the *contio* or if – perhaps a more likely scenario - her contribution was confined to answering questions put to her.

23 Flower 2018; Treggiari 2019: 187-196.

entirely normal, and was a reflection of a novel and fast-evolving political situation, in which the conduct of public affairs through acknowledged conventions in which decisions were made in male-only public bodies was breaking down and thus leaving room for the private sphere to become more heavily involved. If so, then Servilia's interventions in 44 point the way towards the female speakers of the late 40s and 30s.

Women's speeches in front of the Triumvirs combined novel speakers with a novel institutional framework. Whereas the rare female speakers of the Republic operated within the conventional locations for speech, Hortensia and 'Turia' were navigating new frameworks, arising from new relationships between power and speech. Given the power of the Triumvirs, they, and not jurors or the Roman people or Senate, were the logical object of persuasive speech.[24] The speeches that resulted were not delivered at a *contio* or law-court speeches; they were a new kind of speech.[25] They were public, heard by others apart from the Triumvirs; and one could argue that there was some form of institutional framework in the process of addressing the Triumvirs in public, even if conventions surrounding the activity were rapidly evolving. Speech was developing in tandem with political change. Indeed, it might even be possible to argue that the novelty of the occasion and audience involved in addressing Triumvirs facilitated the novelty of the speakers, and that women were able to gain an audience in front of the Triumvirs in part because there was no precedent to suggest that they should not.

A rather different example of female speech from the Triumviral period involved the very traditional format of the military *contio*. During the Perusine war, according to Dio, Fulvia addressed her troops.[26] Dio presents this information as part of an argument that it was not surprising that Fulvia took control of the campaign, given that she also wore a sword, gave out the password and addressed the soldiers. That is, she undertook all the tasks

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24 The context of appeal to a triumvir outside any kind of institutional framework is particularly evident in another episode of female speech, the appeal by Tanusia on behalf of her proscribed husband (Dio Cass. 47.7.4-5). In this case, Tanusia's speech sits even less clearly in the public domain (was it audible to anyone other than Octavian?).

25 But see Pina Polo 1996: 36 (Hortensia speaking at a *contio*); Sumi 2004: 197-198 (a law-court speech). A better comparison might be Cicero's discomfort in *pro Ligario* when faced with a *novum crimen* (*Lig.* 1) in front of Caesar as sole arbiter: there too, political change transformed the locations for public speech.

26 Dio Cass. 48.10.4.

expected of a commander. Her readiness to address a *contio* was, then, simply one aspect of the much wider perturbation of normal behaviour involved in a woman commanding an army. Considerable scepticism is justified about the historicity of this event: Fulvia's military profile during the Perusine war, which Dio here reflects, owed much to Octavian and Augustus' hostile presentation of her behaviour, one element of which was her transgression of gender boundaries.[27]

The war in Italy in 41 was also the context, it seems, for other novel episodes of public speech. According to Dio's account, a group of veterans assembled in Rome to address the impasse between Octavian and L. Antonius over land distributions. They initially intended to talk to the Senate and people, but in fact gathered on the Capitol, read out the agreement between Octavian and Antonius and then agreed that they would act as arbiters between the two. They concluded by summoning Octavian and L. Antonius to meet at Gabii and present their case. The failure of L. Antonius and Fulvia to engage with this process was decisive in moving the veterans to open support of Octavian.[28] Later, during this same campaign, L. Antonius ensured the passage of a vote authorising him to leave on campaign, and before his departure, he addressed a *contio* in military dress.[29] This, notes Dio, was the first occasion on which a *contio* was addressed by someone in this attire.

The public speech that occurred – at the gathering of veterans on the Capitol and at L. Antonius' *contio* – and its eccentricities manifested the collapse in institutional norms that accompanied the Perusine war. There was – in theory at least – no place for a group of soldiers to take on an institutional form and seek to address Senate and people, let alone constitute themselves as an assembly, conduct business, and agree and confirm by vote a course of action. Nor had such a group any standing through which it could act as arbitrators. L. Antonius and Fulvia appear to have tried to use the argument of illegitimacy in justifying their refusal to engage: they described the soldiers as a βουλὴ καλιγᾶτα, evidently a translation of *senatus caligatus*.[30] Their attempt to invoke constitutional legitimacy backfired, however, and Octavian's greater

27 Osgood 2006b: 159-167.

28 Dio Cass. 48.12.1-5.

29 Dio Cass. 48.13.5. The vote was presumably in the Senate.

30 Dio Cass. 48.12.3. καλιγᾶταν is Baudouin's emendation for the manuscripts καλλίγαν. The idea of an illegitimate Senate can be paralleled in Sertorius' advisory group, termed a Senate (Plut. *Sert*. 23.4, 25.2).

flexibility consolidated his own position. The soldiers' approach can be usefully compared with earlier political interventions by groups of soldiers, particularly those by Sulla's and Cinna's armies in the 80s and by Caesar's forces in 49.[31] As in those cases, the soldiers' actions can be seen as a demonstration of their legitimate interest in the conduct of the *res publica* as citizens as well as soldiers. However, in contrast to those earlier occasions of civil strife, this identity was one claimed by the soldiers themselves rather than appealed to by their commanders. We might assume that in fact this initiative required leadership from within this group of soldiers, but if so, and if any names were recorded in Dio's sources, he has suppressed them. His narrative simplifies to three blocs, in which two opposed leaderships are subject to, but resist, a mass attempt to find a compromise solution. It is also striking that in Dio's account the soldiers' intervention uses recognisable forms of political action. On the one hand, these are illegitimate, because soldiers have no place in civilian deliberation, and cannot form themselves into an assembly; but on the other, they demonstrate a commitment on their part to Republican practice. The soldiers, in this account, are concerned to show that they are a legitimate group which can undertake negotiations and act as arbitrators, and they demonstrate this through an assembly on the Capitol which follows a recognisable pattern of listening to the reading of an official text and then voting on a proposal.

L. Antonius' departure for war against Octavian also skirts with the boundaries between established practice and innovation in response to new circumstances, though the balance between forces was slightly different in this case. L. Antonius was consul in 41; his summoning of the Senate and of *contiones* was thus entirely legitimate. It was the choice of clothing that made the *contio* prior to his departure from Rome unusual.

Appian's account of these months focusses on the breakdown of order driven by uncontrollable armed forces.[32] The arbitration at Gabii failed because L. Antonius feared an ambush. His dress at his *contio* is not noted; instead, Appian summarises the content of his speech, an attack on the violence of Octavian and Lepidus and a promise that his brother Marcus would lay aside the position of triumvir for that of consul, 'more legitimate

31 Morstein-Marx 2009; 2011.
32 App. *B Civ*. 5.17.

power in place of illegal, and customary in place of tyrannical'.[33] Octavian's subordination to his troops is shown at a military *contio* in the Campus Martius, which he addresses after they have murdered a centurion who was attempting to control their demands; he criticised the murder, but also claimed it was the act of only a few and went on to confirm land allocations and distribute additional sums of money.[34] So far from taking a military role, Fulvia in Appian plays no part in the campaign and only her flight from Italy after Perusia has fallen is mentioned.[35] She features in an oratorical context only as a display, with her children, in front of Antonius' forces to evoke pity for M. Antonius.[36] The oratorical heart of the story for Appian is as Perusia is captured: L. Antonius addresses his forces to explain that he is about to open negotiations about surrender, and then he and Octavian give a pair of speeches as he surrenders in person. Then Octavian, after the surrender, addresses first his troops and then (in a brief reported summary) those who had surrendered.[37] The result is that Appian's narrative focuses on the ideological clash between L. Antonius and Octavian, with Antonius upholding the Republican position (notwithstanding some evidence of influence from Augustus' memoirs), rather than the perturbation of institutional norms evident in Dio.

In 40, after the pact of Brundisium, one of the consuls designate for 39, Salvidienus Rufus, was summoned to Rome and accused by Octavian of treason: he had allegedly been planning to defect from his allegiance to Octavian to Antonius. In the *rapport* following the renewed agreement between the two men, Antonius had revealed this information to Octavian. Appian simply records that Octavian investigated and then executed Salvidienus; but Dio includes a hearing in the Senate.[38] Octavian brought the charge against Salvidienus there; the *senatus consultum ultimum* was passed; there was a public thanksgiving; and Salvidienus died. The precise relationship between these different events, both chronologically and causally, remains unclear in Dio's narrative. As a result the extent of innovation in both process and the accompanying oratory is difficult to gauge. If a SCU was passed, then Salvidienus' subsequent death – if it was not a suicide – can be aligned with

33 App. *B Civ.* 5.50, νομιμωτέραν ἀρχὴν παρανόμου καὶ πάτριον ἀντὶ τῆς τυραννικῆς.
34 App. *B Civ.* 5.16.
35 App. *B Civ.* 5.50.
36 App. *B Civ.* 5.14.
37 App. *B Civ.* 5.39-48.
38 App. *B Civ.* 5.66; Dio Cass. 48.33.1-3.

the deaths of figures such as Gaius Gracchus and Saturninus, whose deaths came about as a result of the Senate's instruction to the consuls to ensure no harm came to the state. Octavian's intervention in the Senate would then be understood as a speech in favour of the passage of the SCU.[39] The impression given by Dio that a judicial hearing took place in the Senate, at which Octavian acted as prosecutor, would then have to be understood as a projection back from practice in the imperial period. Such an interpretation avoids the apparently startling situation of the Senate taking on a judicial role at this period. However, any attempt to draw a clear dividing line between these two hypotheses may be mistaken. In the context of Triumviral power, freshly reconstituted, there was little difference in terms of outcome between the Senate taking on a judicial role in a capital case and its passing of a decree which effectively rendered an individual outside the protection of the laws. In both scenarios, Octavian had made the Senate the audience for a denunciation of the conduct of an individual and the means by which punishment was administered. And an important stage in the process through which the Senate took on this quasi-judicial role was the public denunciation by Octavian to it of Salvidienus' conduct.

In 32 a remarkable set of exchanges took place in the Senate.[40] In the debate on the first of January, one of the incoming consuls, Sosius, attacked Octavian (who was absent from the meeeting) and praised Antonius. All that prevented Sosius from putting to the Senate measures to Octavian's disadvantage was a veto by one of the tribunes. In response, Octavian summoned a meeting of the Senate which he attended with his friends, carrying concealed weapons; he sat in a curule chair between the two consuls; and from that position he defended himself and attacked Sosius and the other consul Domitius Ahenobarbus. Both consuls left Rome shortly afterwards.

One important aspect of this incident is the position that Octavian held in the early months of 32. If he was no longer a triumvir, then his actions exceeded any possible basis in institutionally-defined powers: at this point, the gulf between the institutions of the Republic and the reality of Octavian's military power was revealed. [41] But if he still retained the position

39 See the discussion in Richardson 1997.
40 Dio Cass. 50.2.3-6; Kearsley 1999.
41 Girardet 1990; Lange 2009: 53-62.

of triumvir – even if he did so contrary to norms around the tenure that kind of magistracy – his capacity to summon the Senate and preside over a meeting also continued.[42] Nonetheless, to analyse what happened in these meetings solely in terms of the institutional factors at play does not fully exhaust the significance of what happened. This exchange of speeches made manifest to a senatorial audience, in the first place, and then to Rome more broadly, a conflict between two understandings of how Roman government could take place. Sosius' speech on January 1st was premised on an understanding of the world in which consuls directed the activity of the *res publica*. Whether or not Octavian was still a *triumvir*, Sosius was offering a direct challenge to him to step back from that position of extraordinary power. Octavian's response demonstrated that he had no intention of doing so; and the failure of the consuls and Senate to challenge him confirmed the reality of his power.

This episode also underscores the complex relationship between speech and the reports of speech. The meeting on January 1st is reminiscent of the (non-)encounters between M. Antonius and Cicero in the autumn of 44 when they spoke at but not to each other.[43] As in those earlier encounters, the principal addressee did not hear the words directed at him; but they were uttered with the expectation that they, or at least a summary, would be transmitted, probably in multiple versions, to the person who most needed to hear them. The fracturing of political conventions during the Triumviral period is reflected in the loss of the Senate as a location for debate. The Senate was no longer in a position to reach enforceable decisions; its role was as an audience for displays of power. Oratory is one of the institutions whose transformation during the Triumviral period can be seen as an index of political change. And one aspect of that change is the extent to which public speech itself was no longer the location for debate.[44] Dispersal of power across the Mediterranean, and the displacement of Senate and people from their decision-making roles, turned oratory into quasi-oratory.

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42 For this interpretation, see now Vervaet in this volume.

43 Cicero was absent from the Senate on September 1st 44, leading Antonius to attack him; Antonius was absent on the 2nd, when Cicero delivered the speech he then circulated (the *First Philippic*).

44 The extent to which it fulfilled this function in the pre-civil war period is a question beyond the scope of this paper. For incisive contrasting views, Morstein-Marx 2004 and Wiseman 2009.

Excavating a history of oratory in the Triumviral period is a challenge; and it cannot be easily separated from preparing an account of oratory's role in the narratives of Cassius Dio, and Appian. But undertaking the task offers two significant insights into the period. It demonstrates the ways in which the Triumviral regime reshaped the political world the elite in ways that created as well as limited opportunities. And it shows how oratory retained its connection to the *res publica* as an index of normality, in ways that point towards the continuing role of effective public speaking in the imperial period.

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INVECTIVITY IN THE CITY OF ROME IN THE CAESARIAN AND TRIUMVIRAL PERIODS

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What's invectivity? To start, it is a neologism that we coined as part of our interdisciplinary research project in Dresden.[1] While there can be little doubt that native speakers of English will be irritated by our mishandling of their mother tongue, it may be some comfort for them that we did the same thing in German by fashioning the word "Invektivität." The reason for this sort of lexical creation is not solely explained by the German tendency to introduce a new term to highlight an innovative approach central to a new line of interdisciplinary research. More important was the need to have a term that could embrace the complete spectrum of insults, ranging from humiliating impoliteness to outright slandering, hate speech and verbal and/or symbolic violence; from intentionally and personally addressed forms of vilification to broader social attitudes whose pejorative power derives from an established social structure. Given that we aim to better understand the basic significance

1 Sonderforschungsbereich (SFB) 1285: Invektivität. Konstellationen und Dynamiken der Herabsetzung / Collaborative Research Center 1285: Invectivity. Constellations and Dynamics of Disparagement (Technische Universität Dresden). See https://tu-dresden.de/gsw/sfb1285 . Some sections of this paper are similar to a German paper of mine, see Jehne 2020. Many thanks to Christoph Lundgreen (formerly Technische Universität Dresden, now Visiting Scholar at the Università di Pisa) for improving content and language of an earlier version of this paper, and especially for the brilliant translation of Pollio's famous saying (see below). My thanks are due also to Benjamin Adam Jerue for his meticulous improvement of my English text.

of the different invective habits of people from different cultures and since we are deeply convinced that invective is a basic feature of human interaction, we try to develop a social theory of invectivity based on empirical case studies. In this context, Roman habits are especially enlightening due to the abundance of invective communication in public spaces.

It is well established that within Rome's culture of invective the common people had the licence to insult even the most powerful individuals in the community. While this is far from being a feature that is unique to Rome, what does stand out is the scope of Roman freedom to slander. Here, I want to pursue the question of what happened to this tradition when power relations dramatically changed in the period between the Republic and Empire. It goes without saying that I cannot present and analyse the full volume of insults and slights that are attested in the 40s and 30s BCE in such a short paper; instead, I have had to pick out a few choice examples that can help characterise the climate of invective in those years. The focus will be on the Roman people as a collective actor as well as on the role of soldiers in Rome. When Caesar and then the Triumvirs ruled Rome in a more or less autocratic way, the presence of soldiers in or near Rome certainly increased. This may have influenced the behaviour of all the people living in Rome, ranging from senators to humble citizens. Therefore, my present aims are threefold. First, I want to explain the simple core concept that we have developed for analysing invective events and demonstrate how it can be used with a few examples. Second, I want to consider how far the increased presence of military forces in or around the city of Rome had an impact on invective culture. Finally, I will draw some speculative conclusions about the extent of change in invective arenas and, more generally, about the special significance of popular freedom in autocratic Rome.

Let us begin with an example. In a chapter of his biography of Augustus in which he lists the grave insults hurled against the young Caesar, Suetonius reports an event that transpired in the theatre during the *ludi Megalenses*.[2] During the performance, one of the actors recited the following line: "Do you see how the *cinaedus* brings the round drum with his finger into the right meter?"[3] As Suetonius explains, the actor was describing one of the *galli*, who

2 For the *ludi Megalenses* generally, cf. Bernstein 1998: 186-206.

3 Suet. *Aug.* 68: *Sed et populus quondam universus ludorum die et accepit in contumeliam eius et adsensu maximo conprobavit versum in scaena pronuntiatum de gallo Matris Deum tympanizante: 'Videsne, ut cinaedus orbem digito temperat?'* For a commentary on this chapter, cf. Wardle 2014: 436-440.

were the temple servants of Magna Mater. Altogether, the text as translated above appears to be a more or less harmless description without any bite; nevertheless, the audience erupted into laughter, thus demonstrating that the line could be understood in the following way: "Do you see how the *cinaedus* rules the world with his finger?" Playing on the double sense of *orbis*, which could be used to refer to round objects like a drum or, alternatively, the entire world, and exploiting the wide semantic range of the verb *temperare*, the people applied this phrase to the young Caesar. Even if this is not mentioned explicitly by Suetonius, it is likely that the amused spectators demanded that the actor repeat the line several times, since this was habitual when the audience isolated a line of a play that could be applied to contemporary events or circumstances.[4] While being accused of one-man rule was certainly not pleasant for Octavian,[5] even more offensive was the reproach of being a *cinaedus*, which was always a special insult in Rome. A *cinaedus* is an unmanly man, to whom an obsessive sex-drive is often attributed and who was willing to accept the passive role in sexual intercourse. Since the Romans conceptualised sexuality as a hierarchical relationship of power, the only role acceptable for a respectable Roman man was the role of the penetrator, which meant that being penetrated was utterly disreputable. [6] For that reason, being called a *cinaedus* – and in this case being equated with an effeminate and possibly castrated priest of Magna Mater – amounted to nothing less than a terrible humiliation. Quite aptly, Suetonius brands this event a *contumelia*, meaning invective, opprobrium, verbal abuse, defamation, vilification or the like.

Suetonius gives no exact date for the incident, but since the whole chapter is focussed on the youth of the man who would later be called Augustus and the other named offenders are Sextus Pompeius, M. Antonius and L. Antonius, it seems fairly certain that this humiliation in the theatre

4 Cf. the examples from the 50s BCE reported by Cicero (*Att*. 2.19.3, see below n. 30; *Sest*. 123). On those and other forms of popular reactions in the theatre, see Flaig 1995: 118-124; 2003: 237-242.

5 Cf. Augustus' protest when the people in the theatre called him *dominus* (Suet. *Aug*. 53.1; Dio Cass. 55.12.2). While the term did not only allow for the interpretation that a master over slaves was meant, the possibility to understand the word *dominus* in this or a similar sense of autocracy was enough for Augustus to make clear (even by an edict) that he did not want to be called a *dominus*. See Wardle 2014: 374-375.

6 See Richlin 1992²: 220-226; 1993: 529-530; Edwards 1993: 70-75; Meyer-Zwiffelhoffer 1995: 72-95; Corbeill 1996: 136-137; Wardle 2014: 436-437; 440; Olson 2014: 184-185.

took place sometime during the Triumviral period.[7] Any further attempt to pinpoint the date must remain hypothetical. While the connection with the *Megalesia* fixes the performance in the first half of April,[8] the year is unknown. It is reasonable to guess that this transpired sometime after 36 BCE, when Octavian finally managed to defeat Sextus Pompeius and to dispose of Lepidus as a prominent player, on the grounds that it would be a bit of a stretch to assume that the people could have made jokes about Octavian's rule of the world while Sextus Pompeius' control of the sea had a palpable effect on life in Rome.

To analyse how invective attacks and follow-up communications worked in the Roman theatre, I use the concepts of the invective triad and of the arena.[9] An event of slander often produces three roles: the invector (i.e. the person who unleashes verbal abuse against someone else), the invected (i.e. the victim of the insult) and the audience, who is not directly addressed, but cannot avoid taking up a position in the invective conflict. In our case, the invector is the people in the theatre as a collective body. Suetonius' wording *populus … universus*[10] appears to suggest that all the spectators present were involved,[11] though this is rather doubtful. The upper bodies of society, the knights and even more so the senators, did not so easily join in with the common people. Moreover, the senators, given that they were identifiable individuals, ran a greater risk than normal plebeians since they did not enjoy the theatre privilege of the common people (see below). So I consider it more probable that most of the senators and perhaps also many of the knights did not laugh out loud in light of this reinterpretation of the actor's line. Possibly, they did crack a smile and certainly they would not protest against the people's invective. So in this case they played the role of the audience that accepted the invector's initiative by not offering opposition. The invected was clearly Octavian, as Suetonius explicitly mentions.

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7 See Suet. *Aug.* 68: *prima iuventa*. Scott 1933: 24 with n. 2 suggests that the fact that Suetonius quotes two insults from Lucius Antonius immediately before may indicate that he found the theatre episode in L. Antonius' writings, too. But this appears to be a stretch. Courrier 2014: no.149 p. 835-836 dates the event "à partir de" 43.

8 For the date in the Roman calendar (April 4-10), cf. Bernstein 1998: 201; 358.

9 For those categories, part of the concept of the SFB in Dresden (cf. above n. 1), see Ellerbrock *et al.* 2017: 12-15.

10 See above, n. 3.

11 As assumed by Wardle 2014: 439.

This all happened in the theatre during the games, which provided a very special arena of invectivity in Rome. To understand invective events in public, politically charged spaces in Rome, we have to distinguish between different arenas precisely because different rules of communication applied. I use the term 'arena' in this context not to refer to the amphitheatre, but rather as a general concept for communicative spaces – the implication of a battle ground implied in 'arena' being quite welcome. For an analysis of Roman invectivity as a customary element of political communication, I have identified the following arenas: senate meetings, assemblies of the people, trials, theatre events, circus games, banquets, morning salutations in aristocratic houses, triumphs, electoral campaigns, pamphlets and graffiti. Doubtless there are more. Some of those arenas were closely connected to a stable physical location, like the circus games because at least the races could take place only in one of the circuses of Rome. Others could float between different locations, like the senate meetings, which regularly took place in the *curia*, of course, but often the senate could be convened in a temple.[12] There are also arenas that form a foggy space like the graffiti that turned up at very different places with very different messages,[13] but that sometimes played an important role in the political process. Pamphlets, which were especially prominent in the so-called propaganda war between Octavian and Antonius, even operated in a virtual space: they represent communicative exchanges in which the participants were sometimes unclear and which were not confined to any delimiting space, but should rather be conceptualised as transpiring in a relational space. The point is that communicative arenas are not restricted to physical spaces, not even in Antiquity. How you behave in those arenas, what you expect there, what you can say and do there, some forms of transgressions you have to reckon with, all of this is common knowledge for the people socialised within a given culture and is part of what goes without saying. So the general course of events is, in principle, predictable, even if the details are not. Suprises are always possible when it comes to invectivity.

That every arena of communication has its own rules may be illustrated by an example from Caesar's quadruple triumph in 46 BCE. When Caesar rode through Rome in the *triumphator*'s chariot, the soldiers who marched in

12 For a list of locations for senate meeting, cf. Bonnefond-Coudry 1989: 47. See also Talbert 1984: 113-120.

13 For the culture of graffiti, cf. especially Lohmann 2018.

the procession mocked their commander by chanting smear poems, one of which reads as follows:

> Caesar subjected the Gauls, Nicomedes subjected Caesar.
> Look here! Caesar who subjected the Gauls, celebrates a triumph now,
> Nicomedes who subjected Caesar, celebrates no triumph.[14]

Those lines alluded to Caesar's alleged homosexual relationship with King Nicomedes of Bithynia, which had been well-known gossip in Rome for decades.[15] Caesar had always struggled against this rumour, and when it came up again, he was terribly upset and vehemently denied everything. According to Cassius Dio, he even swore an oath that the whole story was false.[16] Nevertheless, the soldiers – and probably the bystanders – were amused and his outrage was to no avail.

At this time, Caesar was already the sole ruler of the Roman world – something that Octavian would only become in 31/30 BCE after his final victory over Antonius. How did the soldiers and the audience dare to verbalize offensive jokes about the mighty dictator and mock him and his indignation? And why did he not punish the audacious insulters? This is easy to understand if we look at the triumph as an arena where interaction and communication were bound to certain rules. One of them was the privilege of the soldiers to chant malicious quips about their commander. In the arena of the triumph – and there alone – the special group of soldiers who marched at the very end of the procession had the license to insult their commander;[17] the bystanders, who functioned as the audience of the invective triad, were free to laugh, and the *triumphator*, the insulted, had to accept the humiliation with a smile. No doubt, Caesar had internalised the rules of the triumphal arena, just like every other Roman had. Since he could not manage to fight down rage and disgust as a Roman *triumphator* was expected to do, we get a glimpse of the emotional dimension of insults and humiliations, which often cannot be controlled.

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14 Suet. *Iul*. 49.4: *Gallias Caesar subegit, Nicomedes Caesarem: / ecce Caesar nunc triumphat qui subegit Gallias, / Nicomedes non triumphat qui subegit Caesarem*. See also Dio Cass. 43.20.2; 4. For the triumphal verses connected to Caesar, cf. Courtney 1993: 483-484.

15 For a collection of attacks on Caesar for his alleged affair with Nicomedes, cf. Suet. *Iul*. 49.1-4. See Osgood 2008: 687.

16 Dio Cass. 43.20.4.

17 For the arrangement of the triumphal procession and the place of the soldiers, cf. above all App. *Pun*. 66 (292-300). For the soldiers walking even after the chariot of the triumphator as the last group in the procession, cf. App. *Pun*. 66 (299).

This leads us to another important concept, namely the two thresholds in invective arenas.

Every invective act is a transgression of normal communication, even in an arena where invective activities are a necessary – or at least a regular and therefore predictable – element. With every insult the victims are pushed into an inferior position that causes emotional pain; accordingly, the threshold from the harmless – or safe – space to the space of invective conflict is crossed. Since getting insulted is a part of life, victims usually have some mechanism for reacting – paying back in kind is a possibility, breaking off communication is another and waiting for a later opportunity to retaliate is yet another common response. However, when the insult is so painful that the insulted is no longer willing to accept any appeasement and is looking for eternal revenge or resorts to physical violence, then a second threshold is crossed. The invective communication reaches the point of no return – a dimension of humiliation that makes a renewal of normal communicative relations impossible, at least for some time. The expectations that potential victims harbour upon entering an arena do not usually entail the possibility that this second threshold would be crossed. That said, since invective communication always contains a degree of randomness, the dynamics of escalation are unpredictable. Moreover, invective contests may relocate the thresholds temporarily or permanently.

Perhaps the most prominent arena of invective communication in the Triumviral period can be found in the lampoons that seem to have circulated frequently.[18] The main actors were Octavian and Antonius, no doubt, even if Sextus Pompeius played a secondary role for some years. Evidently, these men did not write all those defamatory pamphlets on their own, but had a slew of helpers and supporters who produced texts, either at their own initiative or at orders of their party leaders. Since the Triumvirs met only rarely after Philippi, there was no alternative to written communication if they wanted to coordinate something. Later, they sent each other letters laced with accusations, which were usually disseminated,[19] as were a lot of invective texts that were published in Rome. A fine example is the accusation against Octavian of having posed

18 For the so-called propaganda war between Octavian and Antonius, cf. Scott 1933; Borgies 2016.

19 Cf., for instance, the famous letter of Antonius sent to Octavian at the end of 33 BCE or a little thereafter which is mentioned at Suet. *Aug.* 69.2; cf. Wardle 2014: 442-443. For the media of invective argument, see the overview in Borgies 2016: 425-459.

as the god Apollo during a banquet: this incriminating claim was laid out in an insulting poem, which Suetonius quotes, and bolstered by some of Antonius' letters purporting that at Octavian's banquets all the participants used to dress in the garment of gods or goddesses.[20] It is possible that the event itself was fabricated, presumably in the period from 36 BCE onwards when the relationship between Octavian and Antonius was constantly deteriorating.[21] Nevertheless, the slander did not prove easy to refute. Suetonius even reports the immediate reaction of the starving people that allegedly took place on the following day and culminated with the quip that the gods had eaten all the food available and that the young Caesar was Apollo, but Apollo the tormentor.[22]

This episode clearly shows how an invective contest works. Truth did not matter at all, a fact by which we are, unfortunately, not surprised today. For some time now, we have lived in a communicative climate that has shifted much more in the direction of Ancient Rome than I would have ever thought possible within a modern democracy. Anyway, nobody attacks his foe in the hope of making him better, but only with the aim of bringing him down. While the insults were personally addressed to the competitor and/or his adherents, the target of this communicative initiative was actually the audience. Invective communication pivots on winning over this audience, identifiable as the people present, even though they are not directly addressed. The conceptualization of acts of personal slandering as a triadic constellation and not as a dyadic one stresses how the classification of an utterance as scathing does not so much hinge on the words uttered, but rather on the follow-up communication of the person addressed and, more importantly, of the audience.[23] Getting the majority of the audience on one's side by having

20 Suet. *Aug.* 70.1.

21 See Hekster – Rich 2006: 161; Wardle 2014: 443-444. Others have taken this banquet with Octavian dressing as Apollo as historical, cf., for instance, Cresci Marrone 2002; Osgood 2006: 237-238.

22 Suet. *Aug.* 70.2. Wardle 2014: 446 emphasises that the writing of the poem would have taken some time, but is willing to accept the spontaneous protest of the plebs on the very next day. Indeed, the displeasure of commoners at rich people feasting while poor people suffered from grain shortages could very well be historical, even if Octavian did not pose as Apollo. That said, the comparison of the Triumvir with Apollo the tormentor seems to require that the story was already circulating.

23 Hawkins 2017: 130-132 differentiates elite invectives from popular invectives in terms of refinement and style; in the end, however, he concedes that ordinary people were able to understand more sophisticated attacks, while members of the elite often used the

them favourably react to slander constitutes victory in an invective contest, though such success could be fleeting: the invected usually strikes back – whether at the same time or later – and then the audience may change sides. In the Triumviral contest of the 30s BCE, the position of Antonius was weaker because he was so far away from Rome where the relevant audience lived. Octavian's chances to win over this audience was much better, even if it was not uncommon for him to suffer from the invective blows hurled by members of the Antonian party.

Returning to the invective event in the theatre reported by Suetonius, we have to acknowledge that there is no explicit information about Octavian's reaction to the insult. Nevertheless, we can be sure that he felt deeply insulted on the one hand and that he did nothing against the people who roared with laughter on the other hand. This is not a conclusion *e silentio*, but rather a reasonable guess based on parallels in Roman history and on the rules of the theatre as an arena. In the theatre, the licence of the people to insult members of the senatorial order had been well-established for some time. When a senator entered the orchestra through special entrances,[24] the assembled people at times received him with applause and cheering, though not always. Alternatively, they could bad-mouth the man or, perhaps even worse, receive him with a deafening silence.[25] Against this sort of public humiliation, members of the senatorial order were helpless. That they could not defend themselves is the inevitable consequence of an invective event in which the people are in the role of the insulter: nobody is able to prevail in a verbal contest against a crowd, and even less so in a world without microphones. However, this is not the whole story. In some Roman arenas it was more or less tolerated when the people insulted members of the political elite from time to time, while invective in the other direction was not accepted. A closer look reveals that this was the case only in popular arenas, meaning those where the *populus* was present as a collective and recognizable as the *populus*

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same sorts of deviant behaviour for targeting their foes as the plebs. So the differences in terms of erudition are of secondary importance in the dirty business of invective conflicts. Much more relevant is how the invector adjusted his verbal attacks efficiently to the taste and the disposition of the audience – this was key for winning the contest.

24 Cf. Parker 1999: 164.

25 As happened in 59 BCE when the consul Caesar's popularity hit rock bottom (Cic. *Att*. 2.19.3; 21.5). Cf. Jehne forthcoming, for the context.

Romanus.[26] Popular arenas in this sense include the following:[27] the assemblies of the people; the theatre where citizens sat together even wearing the *toga* as the marker of citizenship; the circus to a certain degree; the triumph which would have been meaningless without the people present as spectators who usually began by cheering on the *triumphator* due to the victory for the *res publica*, but in the end would laugh at him when the soldiers voiced their insulting verses; and electoral campaigns, part of which consisted in a ritual of candidates walking around the *forum*, greeting ordinary people in due deference and begging them for their support.[28]

In these popular arenas, Roman citizens acted as the political *populus*, and as such they had a claim to respect and acknowledgement as the body whose decisions were binding on the community. Perhaps the gradual establishment

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26 For a definition of 'popular' connected to invective, see Hawkins 2017: 129: "I will use the term 'popular' in two interrelated ways: first, as unmarked social opposite of the marked category of 'elite', and, second, as a sign of invective's rhetorical directionality, which (however facetiously) attempts to erode the social status of the target." While the first definition is easy and obvious (see already Toner 2009: 1), the second is more obscure. Hawkins seems to mean: popular invective is always directed against members of the elite and its aim is always disparagement. To my mind, the second part of this definition is universal for every insult in every direction and therefore not restricted to popular invective. For an overview on approaches to popular culture in antiquity cf. Grig 2017: 14-17.

27 Cf. Hawkins 2017: 134: "…Triumviral and (far more so) imperial politics constrained this repartee in such a way that only popular invective, by which I mean invective attributable only to mass gatherings, spectacle audiences and the perception of a *vox populi*, continued to provide a safe means of commenting upon and resisting the top-down exercise of power." By referring to spectacle audiences, Hawkins includes special settings as locations for popular invective, but in addition to this part, he seems to assume that every group of people felt more or less safe to utter demands on the emperor or other powerful personalities in the city of Rome. To my mind, we should reckon with a much higher threshold for a counter-attack on the people at the spectacles than somewhere on the streets in the city. The *plebs* sitting in their togas behind the *equites* in the theatre had the authority as the *populus Romanus* instead of just a group of plebeians at some random place in Rome. This, I think, mattered. Not every shouting crowd had to be accepted as the *vox populi*.

28 That it was not accepted when candidates insulted the people while campaigning is demonstrated in an anecdote about a member of the Scipiones who mocked a *rusticus* in the forum and afterwards was not elected; cf. Val. Max. 7.5.2: *P. autem Scipio Nasica … cum aedilitatem curulem adulescens peteret manumque cuiusdam rustico opere duratam more candidatorum tenacius adprehendisset, ioci gratia interrogavit eum num manibus solitus esset ambulare. Quod dictum a circumstantibus exceptum ad populum manavit causamque repulsae Scipioni attulit. Omnes namque rusticae tribus paupertatem sibi ab eo exprobratam iudicantes iram suam adversus contumeliosam eius urbanitatem destrinxerunt.* See, for instance, Jehne 2000: 216-217 with n. 40. For Roman canvassing, cf. the fine analysis of Tatum 2018: 19-49.

of the seating order in the theatre, which was increasingly formalised by law, transformed this arena of communication into a political space,[29] since only with the mapping of the social hierarchy the citizens beneath the higher orders became an identifiable unit. Comparable to the *contiones*, the theatre gave room for dissent and was therefore a space for political participation. Yet given that the normal mode of communication between elite and people in those arenas was consensual, dissent was inevitably invective.

A special aspect of theatre conventions was the interaction between the actors on stage and the audience, when some lines of a play were transformed into an allusion to a contemporary situation, usually in the form of an insult to a prominent member of the community. Often, the initiative for the reframing was the people's, as we have seen in the case of Octavian during the Triumviral period. That said, it also could be the actor's impulse, as Cicero claimed for an attack against Pompey in the theatre from the famous actor Diphilus in 59 BCE. Diphilus recited the following verse in a special way: "To our misfortune art thou great."[30] The audience applied this line immediately to Pompey. They broke out in laughter and demanded countless repetitions. Here we see a special feature of the theatre as an invective arena: a licence for the actors on stage to insult. Since actors were often freedmen or slaves and legally and socially stigmatised, it was impossible for them to insult a senator in any other arena or in any other context, but on stage in the theatre this was accepted – even if it is probable that they needed the support of the audience to successfully pull this off.[31]

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29 For the theatre as a political space on the same level as *contiones* and *comitia*, see Cic. *Sest*. 106: *nunc, nisi me fallit, in eo statu civitas est ut, si operas conductorum removeris, omnes idem de re publica sensuri esse videantur. etenim tribus locis significari maxime de re publica populi Romani iudicium ac voluntas potest, contione, comitiis, ludorum gladiatorumque consessu.* Cicero's distinction between the *verus populus* in the assembly and a gathering of hirelings (*Sest*. 106-108; 114) is an ascription motivated by personal reasons; cf. Bollinger 1969: 26-27; Nippel 1988: 126-127; Schnurr 1992: 156.

30 Cic. *Att*. 2.19.3: *Pompeius, nostri amores, quod mihi summo dolori est, ipse se adflixit. … populi sensus maxime theatro et spectaculis perspectus est; nam gladiatoribus qua dominus qua aduocati sibilis conscissi; ludis Apollinaribus Diphilus tragoedus in nostrum Pompeium petulanter inuectus est: 'nostra miseria tu es magnus' - miliens coactus est dicere. 'Eandem uirtutem istam ueniet tempus cum grauiter gemes' totius theatri clamore dixit itemque cetera. nam et eius modi sunt ii uersus uti in tempus ab inimico Pompei scripti esse uideantur: 'si neque leges neque mores cogunt' -, et cetera magno cum fremitu et clamore sunt dicta*. Cf. Val. Max. 6.2.9 (the quoted translation of the verse is from the Loeb edition of D.R. Shackleton Bailey, II, p. 25).

31 On the status of actors cf. Leppin 1992: 71-83.

In this case, we know that Pompey, the invected, was not present.[32] Nevertheless, he felt deeply insulted – if not depressed – in light of the people's negative sentiment against him. As a result, he tried to win over the crowd in a *contio* and to move them against his foes, but to no avail.[33] The story is revealing for how offended senators could not respond: there was no acceptable way to take revenge on the people as invectors in the theatre. All Pompey could do was to try to bring the people over to his side again in a *contio*, thereby reestablishing his status as a popular leader. The insult against Pompey, however, took place during the Republican era. The Triumviral period was something else, of course. In 59 BCE, Pompey did not command a large army like Octavian as a Triumvir. We can easily imagine how the mere existence of such a military force might have influenced the behaviour of the people in the arenas of public communication. Yet, the episode reported by Suetonius does not contain any whiff of this. When the actor recited his line about the *cinaedus*, the people did not hesitate to apply it to Octavian and had fun, even if they knew that this was a stinging insult. Furthermore, no soldiers reacted violently to defend their commander's honour.

We do not know if soldiers were present at the games when Octavian became the target of the people's ridicule. In Republican times, magistrates usually did not bring along any soldiers when they attended the games, but during civil war this was no longer a given. Caesar had a group of Hispanic bodyguards in Rome in 45, which he disbanded some weeks before his assassination on the famous Ides of March in 44.[34] Already in 46, a considerable number of soldiers seem to have been in Rome and nearby when Caesar had to address an uproar from some of them.[35] Caesar received criticism in the city on account of the huge amount of money he spent on his triumphal games. The objects that particularly elicited offense were the satin awnings that he

32 Pompey was in Capua; cf. Cic. *Att*. 2.19.3: *Litterae Capuam ad Pompeium uolare dicebantur*.

33 Cic. *Att*. 2.21.3-4.

34 For Caesar's discharge of his Hispanic guard, see Suet. *Iul.* 86.1; App. *B Civ.* 2.107 (444); 109 (455); 118 (498); Dio Cass. 44.7.4; 15.2; 46.17.8; Nik. Dam. *FGrHist* F 130 (80). Dobesch 1971 demonstrated that he did not accept an allegedly offered guard made up of senators and knights. Speidel 1994: 14-15 assumes a guard of Germanic horsemen, which Caesar recruited already in the Gallic war (Caes. *B Gall.* 7.13.1), but probably this was a unit which shielded him only in war and perhaps in camp, but not in the city of Rome. Speidel's idea is accepted by Sablayrolles 2001: 135; Bingham 2013: 16.

35 Dio Cass. 43.24.2-4. Cf. Jehne 1987: 303-304 with n. 75.

had commissioned to protect the audience from the sun during the performances. The citizens remained quiet out of necessity, as Cassius Dio tells us. The soldiers, by contrast, became rebellious and protested. When the troops did not calm down, Caesar suddenly turned up, grabbed hold of one of the insubordinate soldiers personally and had him executed, while two others were put to death on the Campus Martius in a strange ritual.[36] There can be no doubt that Caesar himself was accompanied by a unit of loyal soldiers who suppressed their comrades' untoward behaviour. Whether or not those soldiers were part of his bodyguards is unknown. Either way, Cassius Dio emphasises that the rebellious soldiers did not protest against Caesar's generosity out of concern for the public coffers, but out of personal greed: they wanted the money for themselves.[37] In times of civil war, the soldiers were evidently aware of their power to exert pressure on their commander, but Caesar did not yield.

An interesting aspect of this incident is the role of the people. Caesar seems to have executed the rules of popular arenas in the political sphere of Rome, as a good defender of Republican principles would have done. Through their protest about the awnings, the rebellious soldiers had made a statement that the people at the games were unworthy of such luxurious equipment. This constituted a disparagement of the *populus Romanus*, and according to the rules of communication soldiers were not allowed to insult the political *populus* in the popular arenas. It was Caesar's duty as the organiser of the games to defend the people against this inappropriate attack.[38]

Probably in 40 BCE or sometime thereafter, Octavian also had disciplinary problems with his soldiers in Rome. [39] Suetonius and Appian tell us that a

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36 The ritual is completely obscure. A connection with the ritual of the *equus October* has sometimes been suggested, but this is vague and improbable; see Weinstock 1971: 78-79. The attempt of Rüpke 2009: 98-103; 117 to bring the execution of the Caesarian soldiers together with the October horse, once again, requires too many assumptions to be anything more than a sharp-witted speculation.

37 Dio Cass. 43.24.3.

38 Dio does not report where the conflict between Caesar and his rebellious soldiers took place. Yet, even if it all happened outside of an arena, but somewhere on the street, Caesar was still the organiser of the games and hence obliged to protect the people's status at the games.

39 Bingham 1999: 370 dates this event to 41/40 BCE. According to App. *B Civ.* 5.15 (61), it happened not long before the five years of the Triumvirate expired. If we follow that, we should date the conflict in the theatre closer to the year 38 BCE, when the Triumvir's

common soldier dared to take a seat in the 14 rows reserved for the knights, which had been set aside for them by law since 67 BCE.[40] By sending an *apparitor*, Octavian ordered him to vacate the seat immediately, which he did. A short time later, a rumour circulated that Octavian had this soldier tortured and killed. As a result, a furious mob of soldiers attacked Octavian and would have killed him, had not the presumed victim, whom the others wanted to avenge, suddenly appeared completely unharmed.[41]

In fact, all this seems to have happened on the same day in the theatre.[42] Because of the soldiers' aggressive behaviour against Octavian, it is highly improbable that they were his bodyguards. However, the idea that they provided security for the games is equally improbable, at least their threatening of the Triumvir with physical violence militates against the assumption that there was an organised security force with a regular chain of command. It is much easier to see those soldiers as spectators in the theatre who spontaneously took the side of a comrade who seemed to have been threatened.[43] Altogether, the episode illustrates the physical presence of soldiers at the games in the Triumviral years, but it does not allow us to determine whether Octavian had already established a regular bodyguard or a security force for himself.[44]

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first period of empowerment ended. Yet, in his own arrangement of events, Appian places the theatre incident between Octavian's return to Italy after Philippi and the outbreak of the Perusine War; in short, his chronological suggestions are inconsistent.

40 For the regulations of the *lex Roscia theatralis* from 67 BCE, cf. Rotondi 1966: 374-375.

41 Suet. *Aug.* 14: *Nam cum spectaculo ludorum gregarium militem in quattuordecim ordinibus sedentem excitari per apparitorem iussisset, rumore ab obtrectatoribus dilato quasi eundem mox et discruciatum necasset, minimum afuit quin periret concursu et indignatione turbae militaris.* Cf. App. *B Civ.* 5.15 (62-64). That people tried to upgrade their seating place by occupying a seat in the area reserved for a higher status group does not seem to have been such a rare event. Imperial *apparitores* used to reinforce discipline and send people back to their places; cf. Edmondson 1996: 102 with n. 149; 109.

42 This is clear in App. *B Civ.* 5.15 (62; 64), but not in Suet. *Aug.* 14 (see above n. 41). Cf. Bingham 1999: 370; 2013: 14.

43 A special place for soldiers is mentioned as part of the regulations in the Augustan *lex theatralis*; cf. Suet. *Aug.* 44.2: *militem secrevit a populo*. The short notice is not clear, and Bollinger 1969: 13 assumes that Augustus created a separate space for security forces. However, that Suetonius uses the singular form *miles* seems to point to individual soldiers and not to a military unit responsible for suppressing turmoil. See Rawson 1987: 99, who argues that what Augustus did was to provide off-duty soldiers with a separate seating space in the theatre.

44 For a good discussion of military presence at the games, see Bingham 1999 who is perhaps too optimistic that this was already a matter of course in the Augustan regime. For

Did the rules change and were the thresholds moved in the public arenas of communication when first Caesar and then the Triumvirs controlled Rome and the empire? How did those rulers and the emperors after them affect Roman invectivity, whether through their mere existence or their deliberate activities? It seems to be a quite natural assumption that a dramatic shift of power does not leave political interaction untouched, and in fact, Asinius Pollio confirms so much with surprising clarity.[45] The prestigious senator and writer had been attacked by Octavian, still Triumvir, with an insulting diatribe. In the Republican era, a comparable written retort would have been expectable. But Asinius only said: *at ego taceo. non est enim facile in eum scribere, qui potest proscribere*.[46] This is a nice wordplay in Latin with *scribere* (to write) and *proscribere* (to write someone on the list of outlaws who may be killed by everybody). A transfer into English is not easy. Yet, Christoph Lundgreen provided me with an excellent adaption: Me, I keep quiet. For it is not easy to write against someone who may write you off.[47]

In a way, Pollio shamed Octavian with his intelligent reply. He stressed the impossibility of answering by answering – and this with an allusion to the disreputable proscriptions. By emphasizing the threat of physical violence connected to the young Caesar's position as Triumvir, he pointed to the increasing difficulty of participating in an invective contest against a commander with extraordinary competences. Here we clearly see that the senators learned to adapt to this new reality. Jibes against Octavian came from Antonius (and, for a while, Lepidus and Sextus Pompeius), not from senators who lived in Rome, which after all was controlled by Octavian.[48] However,

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the slow development of the praetorian guard, which probably provided the soldiers for the security at the games (cf. Bingham 1999: 370-371), see Keppie 1996: 102-107; Sablayrolles 2001: 135-138; Bingham 2013: 100-105. Rivière 2004: 72-74 emphasises that violent suppression of the people during the games by soldiers was rare in the Imperial era.

45 See also Hawkins 2017: 129; 130-131; 132; 136; 148. His interpretation of Pollio's remark as alluding to the confiscation of property as a consequence of the proscriptions (see p. 132) is not fully convincing to me. I think that, first of all, Pollio brought to mind the risk of being killed.

46 Macr. *Sat*. 2.4.21: *Temporibus triumviralibus Pollio, cum Fescenninos in eum Augustus scripsisset, ait: At ego taceo. Non est enim facile in eum scribere qui potest proscribere.* See Peachin 2007: 118-119.

47 For an alternative translation, see Hawkins 2017: 129: "I'll keep quiet. For it's not easy to play the scribe against one who can proscribe."

48 Anonymous pamphlets remained possible and dangerous; adherents who stuck to their masters could also be active in this respect. But this does not change the general picture.

does the same hold true for the people? Did the *populus* also lose its capacity of public protest and invective action?

The short answer is no, not in a comparable way. First, in the Triumviral period and, to a much lesser degree, during the Empire, the people did not refrain from protesting in the city, particularly as a desperate resort against the lack of food supplies.[49] That starving masses would become dissatisfied and possibly violent is not only a Roman phenomenon, but exists in many epochs and cultures. Since the Triumvirs and later the emperors had to present themselves as constantly working for the public good and especially caring for the well-being of the *populus Romanus*, the residents of the capital had every reason to roar against the rulers when supplies were short. The emperor was not the *patronus* of a few, but the person responsible for everybody, like a Roman father who looked out for his family.[50] Therefore, it is not so astonishing that the offer of the title *pater patriae* started with an initiative of the audience at a spectacle in 2 BCE[51] – perhaps carefully orchestrated by Augustus and his staff.[52] But protests in the city, outside of arenas, may have been accepted only in reaction to food shortages, not for every sort of adverse situation experienced by the plebs. At the games, however, when seated in the theatre, the circus, or the amphitheatre, the people continued to voice their opinions about leading figures, including the emperor, in a positive or negative way. Even if the number of instances is not impressively high, this fact cannot be doubted. Since the *contiones* seem to have declined in frequency and were used more for declarations than for presentations of different policies,[53] the *spectacula*

49 Cf. the list of famines in Rome compiled by Virlouvet 1985: 11-19 (ending with Nero's rule). Virlouvet 119-120 emphasises that as a consequence of the improved organization of the food supply, grave crises and revolts did not happen very often in the Imperial era. See also Tiersch 2014: 187; 203-206. For the Triumviral period, see Rini 1983.

50 See Jehne 2015: 308-316; cf. also Lundgreen 2019: 124-128.

51 According to Suet. *Aug.* 58.1, the first step was a *legatio* of the *plebs* to Antium where they wanted to bestow the title to Augustus who did not accept it. Then, when he came to the games, the people again offered it to him, and afterwards the senate in the *curia*. The embassy of the *plebs* is a strange element. Cf. *RGDA* 35; *ILS* 8844a (*fasti Praenest.* ad 5. Febr.); Ovid. *fast.* 2.127-128; Dio Cass. 55.10.10. See Bollinger 1969: 51-53; Louis 2010: 399-401; Wardle 2014: 392-393. In which arena this happened is unknown, since Suetonius only writes: *spectacula*, without mentioning the location. Nevertheless, Louis 2010: 400 takes the circus for granted.

52 So Bollinger 1969: 52. For the significance of this title for Augustus, see Jehne 2015: 314-316.

53 For *contiones* in the Imperial era, cf. Pina Polo 1989: 171-181.

became even more important than before as a place for the *populus* to express its will or feelings.

So the people enjoyed more freedom in the arenas than the upper class in respect to voicing sentiment about autocrats. This is also a consequence of the fact that, while senators were perceived as individuals, the people were perceived as a collective actor.[54] A sanction against a single senator was a punishment of an individual, which only few colleagues would dare to assess as unfair; the sanction against the people, in contrast, was easily seen as a massacre and an extreme act that damaged the image of the ruler. Interestingly, the threshold for the use of force lay higher when the people were concerned than in the case of senators.

We have no evidence for the regular presence of a military unit serving as a security detail during the games before the beginning of the rule of Tiberius.[55] Nevertheless, we have already analysed some episodes where soldiers were active in the arenas, and we have some general suspicion that Octavian / Augustus was accompanied by soldiers at the games from time to time. Since one of the justifications for the extraordinary positions of the Triumvirs as well as for the emperors was the promise to establish order and to preserve it, turmoil in the theatre and slander against senators or even the emperor himself would have constituted a failure of imperial peacekeeping. So rulers were interested in avoiding incidents of this character. It seems reasonable to assume that the mere presence of soldiers in larger numbers influenced the demeanour of the people at the games. It is quite normal in authoritarian political systems that people anticipate what could happen if they do not behave as they think their rulers expect; likewise, it is not unusual that the fear of brutal retaliation becomes dominant and generates excessive self-censorship. Fortunately, this never applies to everybody or every situation. Nevertheless, the threshold for invectives against the emperor was probably heightened for the people, too.

In Rome, laughing about actors' verses in a way that could be understood as an attack on a contemporary figure remained popular in the theatre. Moreover, loving certain actors and hating their rivals was customary, just like the enthusiasm for a certain faction at the horseraces and contempt for all the

54 Cf. Hawkins 2017: 141-142; 147.

55 Tac. *Ann*. 1.77.1; cf. above, n. 43. See Cameron 1976: 223; Nippel 1995: 93-94; Bingham 1999: 372; 2013: 101-102. Especially for riots under Augustus and Tiberius, cf. Jory 1984; Slater 1994: 122-128.

others; and the habits concerning successful gladiators seem to have been similarly partisan and probably aggressive. The competitive atmosphere between the different groups produced invective choirs and occasionally some hooliganism. So there was enough action in the audience in the Imperial era, so much so that sometimes an emperor tried to intervene with soldiers and/or with bans of actors from the city, among other punishments.[56] Evidently, those incidents were inconvenient, but not altogether dangerous – at least for the established ruling power of an emperor. One episode illustrates this. When there was a riot because of the rivalry between the actors Pylades and Hylas, Augustus expressed his discontent. But Pylades answered: "You are being ungrateful indeed, your highness: let them be distracted by us."[57] Even if this is not the whole story: it was no doubt a relief to an emperor when the people at the games focused on actors and charioteers instead of voicing their opinions about their ruler's performance.

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56 For interventions of soldiers at the games, see Bingham 1999: 372-377.

57 Macr. *Sat*. 2.7.19. The translation is from the Loeb edition: Macrobius, *Saturnalia* I, books 1-2, edited and translated by R.A. Kaster, Cambridge 2014, 379. Cf. Leppin 1992: 62-64; for Pylades (I) 284-285.

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FEAR IN THE CITY DURING THE TRIUMVIRAL PERIOD:
THE EXPRESSION AND EXPLOITATION OF A POLITICAL EMOTION

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For some time now, historians of Antiquity have used the tools of anthropology to reconstruct what individuals felt in the past, as well as to explain the concrete and tangible effects of these different emotions.[1] Among them is one that has always had an impact on politics, namely the fear that individuals feel on a personal level; furthermore, this emotion can sometimes lead to violent collective reactions when this fear is shared by a more or less large group of people. The lexical spectrum referring this sentiment in the languages of the Ancients was as large as ours, if not larger: in Latin, the generic terms are *metus* and *timor*, although there are other substantives that express nuances, and that go so far as referring to panic or terror (*terror*, *pauor*); in Greek, there is also a variety of different lexemes ranging from the most generic terms to tumult, confusion and the stronger term of θάμβος (terror, astonishment).[2] We know that fear formed part of the arguments that

1 This is a promising avenue of research that has already been explored by medievalists, early modernists and modernists. The history of Antiquity is now fully engaged in the "emotive turn," as demonstrated by the increase of recent works on the subject. See for example the work of A. Chaniotis (especially Chaniotis – Ducrey 2013), and the recent book by S. Rey on Roman tears (Rey 2017); see also Konstan 2006; Campeggiani – Konstan 2017; Cairns – Nelis, 2017; Allard – Montlahuc 2018 and the feature dealing with "the touched [*princeps*]" forthcoming in *Cahiers Mondes Anciens* for 2020 (online), edited by S. Rey.

2 The various verbs expressing the idea of fear should be added to the substantives: *timere*, *metuere*, *terrere*, *formidare* and *pauere* in Latin; φοβέω, δείδω, θαμβέω, ἐκπλήττομαι, and θορυβέω in Greek. See Thomas 2015.

Cicero used in his speeches, as Pina Polo's recent study on what he has called the "rhetoric of fear" has elucidated;[3] we can also set out from the premise that this feeling was undoubtedly present in Rome among the population during the Triumviral period (43-30),[4] which was marked by numerous instances of unrest within the *Urbs*. This study more specifically proposes studying this phenomenon from dual and complementary viewpoints. The first of these is factual, in an effort to identify manifestations of fear in the sources treating the period under consideration, as well as an awareness of this emotion on the part of rulers when they took action. The second is more ideological, namely to show how this real fear was exploited and even amplified after Augustus seized power, as the new regime sought to contrast the insecurity of the preceding period with the security or tranquillity ensured by the new regime thanks to the return to peace. This study will therefore distinguish, with regard to the image of a post-Caesarean Rome subject to fear, between an emotion that was "genuinely" felt and the ideological and historiographical reconstructions arising from the establishment of a new regime, which constantly claimed to have re-established peace, and with it a sense of security.

1. A (brief) history of fear: Republican Rome as a case study

For a long time, fear did not receive the attention from historians that it deserved. Two related reasons help explain why this feeling was neglected by scholarship. First, fear was justly conceived of as subjective, an observation that made historians uncomfortable, since they are naturally suspicious of any purely psychological analysis. With two millennia of distance the topic is undoubtedly difficult to study given the nature of our sources. Second, the instinctive suspicion of historians toward an analysis of this type was reinforced by the established notion that power, whatever it may be, can act to more or less artificially create a feeling of fear within a given population. Yet it is precisely such characteristics of fear and its political use that should prompt historians to directly tackle the history of this emotion and analyse all of its specifically political effects. While individual fear is a subjective phenomenon, and hence remains difficult to assess, collective fear is a historical phenomenon that is clearly attested to in different periods, and

3 Pina Polo 2019; see also Masi Doria 2017: especially 14-19.
4 See Hinard 2006: 254-261.

that led to actions challenging power – or, on the contrary, strengthening power by making it seem like the only shield against danger. Today's historians have seized upon the political uses of fear, since it is not only in keeping with the political anthropology that is currently in fashion, but also because we have experienced recent examples of the politics and rhetoric of fear in action.[5] Fear must therefore be taken seriously, and for what it is, that is, a historical reality as well as a political tool.[6]

While the history of emotions in general, and of one emotion in particular, is still in its infancy, it is not an approach that has only applied within contemporary historiography. To my knowledge, the first scholar to study fear was the seventeenth-century philosopher Spinoza (1632-1677), the third part of whose *Ethics* discusses the "origin and nature of feelings."[7] He especially emphasized the notion of *conatus*, a Latin term designating "effort, undertaking, attempt," and believed that it is related to a "power of action," which is increased or decreased depending on whether a feeling is joyous or sad.[8] In other words, these emotions as such have concrete effects. With this in mind, Spinoza believed that the political emotions par excellence are hope and fear.[9] Both emotions express an orientation of *conatus* toward the anticipation of what will intensify joy or, on the contrary, sadness. As a result, Spinoza directly linked fear to a diminished power of action. Even though one can also consider that in certain cases fear reinforces individuals' power of action, Spinoza's analysis has the advantage of showing that some emotions

5 See on this topic Robin 2004; Boucheron – Robin 2015; Nussbaum 2018.

6 For an application of this topic to the history of Antiquity, see Urso 2006.

7 For the sixteenth century, see also Machiavelli, *Il principe*, *passim*, and Montaigne, *Essais*, I, 18.

8 See Spinoza's definition, III, *Definitio* 3: *Per affectum intelligo corporis affectiones quibus ipsius corporis agendi potentia augetur uel minuitur, iuuatur uel coercetur et simul harum affectionum ideas*. On joy and sadness as basic affects, see especially *Propositio* 15: *Res quaecunque potest esse per accidens causa laetitiae, tristitiae uel cupiditatis*.

9 See Spinoza, *Ethics*, III, *Propositio* XVIII, Scholium II, where he defined the central emotions of hope, fear, assurance, despair, contentment and disappointment. Fear is "an inconstant sadness which also arises from an image of something that is in doubt" (*metus contra inconstans tristitia ex rei dubiae imagine etiam orta*); see also the definition he gave for this emotion in book III: "Definition 13: fear is uncertain sadness arising from the idea of something in the future or in the past about whose outcome we are to some extent in doubt (*Metus est inconstans tristitia orta ex idea rei futurae uel praeteritae de cujus euentu aliquatenus dubitamus*);" Spinoza immediately added that "there is no hope without fear nor fear without hope (*Ex his definitionibus sequitur non dari spem sine metu neque metum sine spe*)."

are more effective than others in the world of politics, in the sense that some of them are followed by concrete actions. As such, it is undeniable that fear was one of the drivers of the history of Republican Rome.

Metus appears in sources first of all as the fear Romans felt toward external enemies. This is the *metus hostilis*,[10] a fear that fortifies the community by bringing it together against a common enemy. If we follow Schmitt's definition of politics, such a notion is at the very origin of the political enterprise: the decision to make war against an enemy. In any event, this fear of the *hostis* left room for another fear during the late Republic: that stirred by the consequences of the political disturbances of the Republic, and the subsequent confrontations between Romans. Sallust offered such an analysis, giving it a moral connotation when he defended the notion that vices such as greed, ambition, cruelty, impiety and venality won out over traditional Roman virtues when Rome no longer had a rival on the Mediterranean stage (i.e. beginning in 146 BCE).[11] Velleius Paterculus said the same thing when he pointed out that "once the fear we had of Carthage disappeared, and a rival to the Empire was eliminated, it was not step by step but rather in a headlong rush that people abandoned virtue and gave themselves over to the vices."[12]

The sources support the notion that one of the primary reasons for the fear felt by Romans during the crisis of the Republic was the danger that tyranny – *regnum* – would be established and necessarily lead to the loss of *libertas*. Fear of the tyrant is a theme that runs through all of the political and philosophical literature of the Late Republic and High Empire, as has been well studied in the imperial period, for example, by D. Barghop in the aptly titled *Forum der Angst* (The Forum of Fear).[13] It was one of the commonplaces of Roman political life and was emphasized on many occasions by Cicero in his speeches against his political enemies (e.g. Rullus, Catiline, and Marc Anthony) who were all depicted as dangerous figures on the grounds that their actions challenged traditional *libertas*.[14] Yet this was not the threat taken

10 See *e.g.* Sall. *Iug.* 41.2 and *Hist*. frg. 1.12; Vell. Pat. 2.1.1 and 4.3; Diod. Sic. 34-35.33.5. See Bellen 1985; Vassiliades 2013.

11 Sall. *Cat*. 10.

12 Vell. Pat. 2.1.1.

13 Barghop 1994. For the Imperial period, see also Cogitore 2011: 150-152 on the topic of fear in Seneca and its purely political connotations, i.e. the fear inspired by the tyrant.

14 On the fear of the tyrant and *regnum* in connection with the loss of *libertas* and the exercice of *dominatio*, see e.g. Cic. *Leg. agr*. 2.8.15, 24, 29, 32, 75; *Cat*. 2.19; *Phil*. 6.19.

most seriously by Romans, nor the one that sparked the most fear, since such a danger in question remained abstract, and any incriminated enemy could mount a defence to dispel such accusations.

There was another reason for fear that caused Romans greater anxiety, because it was more concrete, namely the fear of civil war, with its physical consequences and hatred of one's enemies; Cicero said so much while citing Ennius, whose remarks he described as "admirable": "Whom they fear they hate. And whom one hates, one hopes to see him dead."[15] In its most violent form, *stasis* exposed the Roman population to an entire series of risks that had immediate effects on each individual living in Rome. On such an occasion they could be dispossessed in one way or another of their personal fortunes – their chattel and/or estates –, see their loved ones disappear or even lose their own life. It was such a physical threat that caused Cicero to tremble when, speaking before his audience, he attributed the intention of burning Rome and massacring citizens to Catiline.[16] Little did it matter that the plan was based on rumours,[17] which Cicero spread, if not created himself.[18] The orator's idea was first and foremost to spark a sense of panic that could only but serve his own political interests.[19] Once he had achieved his ends, he could assert that it was he who had saved everything that mattered from fire and blood, which is to say not just the *res publica* and the city of Rome, but also the lives of her citizens, their property, fortunes, women, and children.[20] Aside

15 Cic. *Off.* 2.23: *Praeclare enim Ennius: quem metuunt, oderunt; quem quisque odit, periisse expetit*. On the *metus* prompted by the possibility of civil war, see Cic. *Cat*. 1.20; Caes. *B Civ.* 1.9.1, 5; Plut. *Pomp*. 60.5; *Caes*. 33.2-3; Dio Cass. 41.5.1; 7.6 and 8.1-2.

16 Cicero made many references to Catiline's intention to burn Rome and massacre her citizens: see *Cat*. 1.2-3, 6, 9, 12, 26, 29 and 32-33; 2.1-2, 6, 9, 19; 3.1-2, 8-10, 14-15, 21 and 25-26; 4.2, 4, 11-13 and 17-18; *Mur*. 85; *Sull*. 52. Catiline's deadly project is also mentioned by other sources: Sallust *Cat*. 27.2; 31.9; 32.1-2; 43.2; 48.2 and 4; 51.9; 52.36; Dio Cass. 37.34.1, who revealingly attributes the plot not to Catiline, but to Cornelius Lentulus; the Livy's Periochist (*Per*. 101) and Florus (2.12.2).

17 It is well established that rumors could generate fear (see for example Dubourdieu – Lemirre 1997 on the *bacchanalia*). On rumor as a political phenomenon in ancient Rome, see Courrier 2017 and Rosillo-López 2017: 75-97.

18 For a recent discussion of the fact that the plot to burn the city was evidently an invention of Cicero, see Urso 2019: 191, n. 5 who stresses the "absurdity of the incendiary plan."

19 With regard to the rhetorical use of fear, see Le Penuizic 2015.

20 Cic. *Cat*. 3.1: *Rem publicam, Quirites, uitamque omnium uestrum, bona, fortunas, coniuges, liberosque uestros atque hoc domicilium clarissimi imperii, fortunatissimam pulcherrimamque urbem, hodierno die deorum immortalium summo erga uos amore, laboribus,*

from the obvious rhetorical effects and purely political aims, what emerges is that Cicero's words rang true because they activated within Rome's population the natural and primal fear of losing everything.[21]

2. Creating and confronting fear: the threats against Rome during the (pre)-Triumviral period

The sense of fear echoed by Cicero took lasting root in Rome during the decades of the crisis that plagued the Republic. It was also present during the Triumviral period, a time of unrest that was marked by numerous civil wars affecting the city's population in one way or another.[22] Giving his role in an agreement between the Triumvirs, the future Augustus found himself in a position to control the *Urbs* and Italy in the wake of the Battle of Philippi in October 42, though he still had to fight a number of opponents successively: first Lucius Antonius during the Perusine War, then Sextus Pompeius during the Sicilian revolt, and finally Marc Anthony during the conflicts at Actium and in Egypt. It is therefore clear that the population of Rome was directly concerned about all of these campaigns and followed the development of military operations with hope and worry. For all that, the city was physically spared if we consider that the *Urbs* was never subject to military threat between 43 and 30 BCE. The conflicts essentially shifted to the eastern part of the Empire and Sicily without directly affecting Rome, even during the Perusine War. From this perspective, the Triumvirs – and the future Augustus first among them – succeeded in preserving the centre of the Empire. The period

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consiliis, periculis meis, e flamma atque ferro ac paene ex faucibus ereptam et uobis conseruatam ac restitutam uidetis.

21 With regard to the events of 49, see also Fezzi 2017: 11: "Il trauma collettivo, curiosamente sottovalutato dalla critica, emerge con chiarezza dalle fonti, unanimi nel sottolineare il panico e lo sconcerto di una popolazione atterrita dalle voci che volevano Cesare alla testa di orde barbariche, spettatrice impotente dell'abbandono dell'Urbe da parte dei senatori e di quei magistrati che, invece, avrebbero dovuto difenderla." See also Barrière 2015 on these events of 49.

22 The history of emotions during the Triumviral period is largely based on accounts offered by Greek historians who lived long after the events of that period (above all Appian and Cassius Dio). This temporal distance, however, does not provide grounds for rejecting their testimonies out of hand. Far from having merely invented everything, these authors simply used the vocabulary and rhetoric of their own times in order to describe the emotions that were attested in the sources at their disposal and that were felt by the Romans of the Triumviral period.

that caused the greatest anxiety for the Romans living in the capital was actually the period that came immediately before, stretching from the death of Caesar on March 15, 44 BCE to the establishment of the Triumvirate in November 43 BCE. This two-year period saw an increase in the political and military events that made Rome itself the centre of various conflicts.

The first event that created a widespread sense of fear in Rome was the death of Caesar. All of the sources emphasize that it prompted panic, which initially affected the senators present in the Curia Pompeia at the very site of the assassination, before quickly spreading to the entire city by word of mouth. Not knowing what the Caesaricides had planned, all those who witnessed the murder instinctively fled in panic, warning everyone whom they met and enjoining them to lock themselves in at home; on this occasion Rome was transformed, for a number of hours and even a few days, into a ghost town despite the assurances from Caesar's assassins who attempted to calm the population.[23] Plutarch pointed out that "the senators burst out of doors and fled, thus filling the people with confusion and helpless fear."[24] According to a speech rewritten by Cassius Dio that Cicero apparently delivered shortly after the assassination, the orator claimed that "the whole city is filled with fear";[25] in another speech that was rewritten by Appian and apparently delivered at Caesar's funeral, Marc Anthony emphasized the fear that gripped himself and Caesar's supporters in the hours and days following the latter's assassination,[26] referring to "the great fear."[27] This situation ultimately led to palpable tension and eruptions of collective violence, in which the urban *plebs* that had remained loyal to the memory of Caesar burned homes and physically attacked individuals,[28] forcing the Caesaricides to leave Rome for good.

The city of Rome was once again at the centre of the upheaval on a number of occasions throughout the year 43 BCE. A first alert came when

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23 On the account of happened on March 15, 44 immediately following Caesar's assassination, as well as the panic that gripped Rome at the time, see Nicolaus of Damascus *Aug.* 91-94; App. *B Civ.* 2.118; Dio Cass. 44.20; Plut. *Caes.* 67.1-2.

24 Plut. *Caes.* 67.1: φεύγουσα κατέπλησε ταραχῆς καὶ δέους ἀπόρου τὸν δῆμον.

25 Dio Cass. 44.28.5: πεπλήρωται δὲ καὶ πᾶσα ἡ πόλις τοῦ φόβου.

26 See App. *B Civ.* 3.34-38, where there is a prevalent use of fear-related vocabulary: the substantives δέος (four times), θόρυβος and μερίμνη as well as the verb θορυβέω.

27 App. *B Civ.* 3.38: ἐκ πολλοῦ δέους.

28 For example by insulting and taking to task the praetor for 44, L. Cornelius Cinna, who had rallied to the Caesaricides, and then by literally cutting to pieces another Cinna, C. Helvius Cinna, after confusing him with the former.

P. Ventidius Bassus, who was driven from Rome following Cicero's diatribes against the supporters of Marc Anthony, threatened to march on Rome with the two legions he had raised in Caesar's colonies.[29] Appian's account describes Roman's reactions: "The consternation was extreme. They removed most of the women and children in a panic, and Cicero himself fled from the city."[30] There were doubts about the reality of the threat posed by P. Ventidius' legions,[31] and it was not certain that this supporter of Marc Anthony had any real intention of seizing Rome, although it is hard to imagine that Appian invented the episode from whole cloth. In any event, P. Ventidius headed north with his troops and finally joined with Marc Anthony. The danger for Rome was no doubt virtual on this occasion, although Appian's account most certainly reflects a fear that, however unfounded, was no less real.

Another episode occurred later, during the summer of 43 BCE, when Augustus, who was still called Octavius, decided to free himself from the supervision of the Republicans and Cicero by demanding the consulship for himself, following his victory at the Battle of Mutina and the death of the two consuls, Hirtius and Pansa, on the battlefield. When the senators refused his request, Octavian marched on Rome. Our primary sources concur in expressing the sense of fear that gripped Romans at the time, including senators and those who belonged to the urban *plebs* alike. Cassius Dio puts it this way: "when Caesar arrived in the suburbs [of Rome], they became alarmed."[32] Appian offers the most precise description of the emotions that Romans felt by deploying the full range of lexicon of fear:

"When the news of Octavian's approach reached the city, there was immense confusion and alarm. People ran hither and thither, and some conveyed their wives and children and whatever they held most dear to the country and the fortified parts of the city, for it was not yet known that he aimed only at securing the consulship. Having heard that an army was advancing with hostile intentions, there was nothing that they did not fear. The Senate was struck with consternation since they had no military force in readiness. As is usual in cases of panic they blamed each other."[33]

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29 Cic. *Att.* 16.1.4: *De Ventidio* πανικὸν *puto.*
30 App. *B Civ.* 3.66.
31 See Ferriès 2007: 488-489.
32 Dio Cass. 46.45.2.
33 App. *B Civ.* 3.89.

The fears proved to be largely groundless in the end, as Octavian was far from planning a massacre: he wanted first and foremost to obtain the consulship, and to have his adoption by Caesar ratified by the Curiate Assembly. The only Romans who had reason to fear were those closely or distantly connected to Caesar's assassination, and who accordingly fell within the scope of the *lex Pedia*, which had been passed at the instigation of Q. Pedius, Octavius' colleague in the consulship.

The final traumatic event that afflicted Rome in 43 BCE was connected to the implementation of the Triumvirate. Romans feared the actual agreement between three men less than they did the immediate consequences of such a pact: the return of proscriptions, with the posting of lists of Romans who had a price on their heads. This procedure and the memory of when it was first used by Sulla in 82 BCE created an atmosphere of fear once again in 43 BCE, with the result that for a time members of the aristocracy lived in fear of finding their name on the lists of the proscribed or even being added at a later date.[34] The Triumvirs' preventive decision to execute a dozen of their fiercest enemies even before posting the edict of proscription fuelled panic in Rome by creating uncertainty regarding the exact identity of the proscribed and by leaving no doubt about the ultimate fate reserved for those who made the list.[35] The widespread fear that paralysed the city was one of the effects that the triumvirs intended. Hinard has rightly emphasized that proscription, far from being reduced to purely economic and financial motivations (i.e. the need for money and the acquisition of property), was also a "terrorist" tactic, the goal of which was to create a climate of terror and spark despair among their opponents.[36] Sulla, who was fully aware of the fear inspired by this new procedure, had already brought about this effect.[37] The same analysis applies to the second proscription. This is clearly what Appian says when he highlights that "these four [i.e. L. Aemilius Paullus Lepidus, L. Iulius Caesar, L. Plotius Plancus and L. Quinctius] were placed at the head of the list, not only on account

34 App. *B Civ.* 4.5 and 7; Dio Cass. 47.13.1.

35 App. *B Civ.* 4.6.

36 See the analysis in Hinard 1985: 303-312, who rightly speaks of a "terrorist method" (305), the "terrorist logic of proscription" (306), a "desire to terrorize," the "terrorist nature of the measure" (307) and a "climate of terror" (309). See also Hinard 2006: 256-261.

37 Cf. Sall. *Ad Caes. sen.* 2.4.1: *L. Sulla, cui omnia in uictoria lege belli licuerunt, tametsi supplicio hostium partis suas muniri intellegebat, tamen paucis interfectis ceteros beneficio, quam metu retinere maluit.*

of their dignity as to produce terror and despair, so that none of the proscribed might hope to escape."[38] This is how Ronald Syme's accurate and unpleasant portrait of the young Augustus during the time of the proscriptions should be understood: "a chill and mature terrorist."[39]

It is undeniable that the years 44 and 43 BCE were a difficult and distressing time for those living in Rome. The unexpected death of Caesar unleashed all ambitions and made the *Urbs* the contested epicentre of political life for a number of months; it became a location that had to be controlled and as such the primary stage for confrontation between the various political opponents. In contrast to the immediately preceding period, during the long Triumviral period – over a decade – the inhabitants of Rome did not live in the shadow of a concrete military threat. In addition to the different military strategies that were deployed at the time, the Triumvirs' unquestioned hold on Rome from late 43 BCE onwards, and later Octavian's sole control beginning with the Treaty of Brundisium in 40 BCE shifted the danger to the rest of Italy and the provinces in particular. This assessment does not necessarily mean that fear had totally disappeared from Rome itself. The Triumviral period was marked by a number of civil wars and everyone residing in Rome knew perfectly well that they were at the mercy of a military setback on the part of the Triumvirs, and later Octavian. Furthermore, there was the permanent problem of the grain supply for a city that had become a megapolis, which prompted great anxiety among Rome's population. It was a sensitive political question to which Octavian was naturally attuned, in an effort to prevent the lack of food from provoking violent reactions by a numerically large urban *plebs* desperate to feed itself. In this regard Sextus Pompeius' control over the western Mediterranean basin and its major islands (Sardinia and Sicily) was a serious problem, since it interrupted traditional maritime trade, thereby complicating the capital's logistical routes.[40] The situation degenerated in 40 BCE when famine struck Rome, causing many deaths and sparking the popular riots meant to force the Triumvirs to make peace with Sextus Pompeius.[41] Concluded in 39 BCE, the Pact of Misenum brought an end to this situation, but only temporarily. The population's natural fear of

38 App. *B Civ.* 4.12.

39 Syme 1939: 191; see also Syme 1939: 257: "Octavianus was no longer the terrorist of Perusia."

40 Oros. 6.18.19.

41 Dio Cass. 48.18.1 and 31.1; App. *B Civ.* 5.67. See Virlouvet 1985: 17, 60-61.

never being certain of having enough food to survive must have become evident again the following year, when Octavian broke this precarious peace and triggered what is known as the Sicilian war. It ended only in 36 BCE following the definitive victory over Sextus Pompeius.

The latent military threat felt in Rome throughout the Triumviral period reared its head in 32 BCE with the break between Octavian and Marc Anthony and the resulting war. Although the different campaigns that followed the declaration of war took place far from Rome in Greece and Egypt, however in late 32 and early 31 BCE Rome and Italy experienced disturbances sparked by murders and fires, which were severely repressed by authorities.[42] The account offered by Cassius Dio records various *prodigia* that occurred on the occasion of this period of unrest,[43] which should be analysed as the religious manifestations of the atmosphere of anxiety present in Italy during the preparations for the Actium campaign. This narrative jibes with the only other account of these events (i.e. Plutarch's) in attributing responsibility for this agitation to freedmen, the richest of whom were subjected to a 12.5% tax in order to pay for the upcoming military operations. With this in mind, such violent reactions should be attributed to the fiscal turbulence that had agitated Rome and Italy throughout the Triumviral period, due to budgetary needs arising from the various civil conflicts.[44] They are an opportune reminder that fear could be generated not just by being afraid of losing one's life, as is natural, but also by anxiety over losing all or part of one's property through taxation. In any event, it is important to take into account the permanent feeling of anxiety that Romans intimately experienced from 32 BCE onward, a fear that was only dispelled with Octavian's definitive victory.

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42 On this subject, see Dio Cass. 50.10 who situates these events in the context of the year 31 BCE (early in that year in connection with preparations for the Actium campaign), in addition to Plut. *Ant.* 58.1-2 who traces them back to the year 32 BCE.

43 Dio Cass. 50.10: "About this time a madman rushed into the theatre at one of the festivals and seized the crown of the former Caesar and put it on, whereupon he was torn to pieces by the bystanders. A wolf was caught as it was running into the temple of Fortune and killed, and in the Circus at the very time of the horse-race a dog killed and devoured another dog. Fire also consumed a considerable portion of the Circus itself, along with the temple of Ceres, another shrine dedicated to *Spes*, and a large number of other structures." See Loriol 2015 about the links between fear and *prodigia*.

44 On this subject, see the commentary in Freyburger – Roddaz 1991: 54-56; on fiscal turbulence during the Triumviral period, see Nicolet 1976: 239-250; Ridley 1980/1: 39.

3. Warding off fear: the feeling of *securitas* during the Augustan period

Once he had rid himself of his last rival Marc Anthony, who committed suicide in 30 BCE following his defeat in Alexandria, Augustus spread the message that his victory had dispelled the sense of fear – whether latent or tangible – that had therefore heretofore wracked Rome. This element of his political program, which is not ordinarily emphasized, was directly connected to the simultaneous insistence on his return to a time of peace, the *Pax* (*Augusta*), a subject that we know was central to Augustan ideology and certainly provided a solid foundation for the new regime. In this way, Augustus sought to draw a contrast between the strictly speaking Augustan period – from the 20s BCE onward – and the Triumviral period by asserting that fear had been dispelled due to the reestablishment of peace and the actions he had taken to achieve this result. To do so, he used an established lexicon to indicate that his new position at the head of the *res publica* served as a shield against "the danger" that had threatened Rome and its Empire throughout the Triumviral period. This is what he explicitly wrote in his *Res gestae* regarding the *cura annonae*, which he accepted in 22 BCE: "I did not decline to take on the supervision of the market during the worst grain shortage, which I took care of in such a way so as to free the people from the present fear and danger at my own expense in a few days."[45] A number of lessons can be drawn from this passage. First, the intrinsic link between the terms *metus* and *periculum*, with "fear" being the result of an impending danger that threatened Rome. Second, the Republican nature of this vocabulary, since the phrase *liberare rem publicam metu* or *periculo*(*is*) was also used by Cicero, for example.[46] Third, the direct relation established between the fear felt by Romans and provisions for the city, with Augustus presenting himself as the one who had warded off the spectre of famine. He had no qualms about making it known that thanks to his actions Romans would no longer fear a lack of provisions, as had been the case when Sextus Pompeius controlled maritime communications.

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45 *RGDA* 5.2: *non sum] depreca[tus] in s[umma] / [f]rum[enti p]enuria curationem ann[on]ae [qu]am ita ad[min]ist[raui ut intra] / die[s] paucos metu et periculo [p]raesenti ciuitatem uniu[ersam liberarem] / [impensa et] cura mea consul[atum] quoqu[e] tum annuum e[t perpetuum] / [mihi] dela[tum non recepi].*

46 For example Cic. *Cat*. 1.20; 3.14; *Sest*. 43.

A message of this type can be found in the text of three calendars, the *Fasti Praenestini*, *Fasti Amiternini* and the Acts of the *Fratres Aruales*, which celebrated the victory of Augustus in Alexandria on August 1 (30 BCE), by stressing that the date was a day for celebration, "because on that day, the Emperor Caesar [Augustus, son of *divus*] freed [or frees] the *res publica* from the most dire of dangers."[47] The fact that these three epigraphic documents displayed in different locations employed turns of phrase that are nearly the same[48] – and also quite similar to the formulation from the *Res gestae* – suggests that the formula *rem publicam tristissimo periculo libera(ui)t* belonged to the official message diffused by Augustus, members of his entourage and the Roman senate under his influence. We know that the *Fasti Praenestini* was drafted by Verrius Flaccus, who was close to the new regime and used the calendar as a chance to glorify Augustus as well as the imperial authorities' grip over power; with regard to the *Fasti Amiternini* and the Acts of the *Fratres Aruales*, their content reflects what had become an official version of history.

There are allusions to the topic of fear in other authors from the Augustan period. In the elegy composed to celebrate the quinquennial games of 16 BCE, Propertius mentions the fear from which Augustus freed the country,[49] while in his preface Vitruvius established a causal link between the *uirtus* of Augustus and the disappearance of fear from Rome.[50] The *metus* of Propertius

47 On the content of the *Fasti Praenestini*, see *Inscr. It*. 13.2, no.17, p. 135: *Feria[e ex s(enatus) c(onsulto)], / q(uod) e(o) d(ie) Imp(erator) Cae[sar Augustus rem] / [publicam tristissimo periculo liberauit]*; on the *Fasti Amiternini*, see *Inscr. It*. 13.2, no.25, p. 191: *Feriae / ex s(enatus) c(onsulto), q(uod) e(o) d(ie) / Imp(erator) Caesar Diui f(ilius) rem public(am) / tristissim[o] periculo liberat*; on the Acts of the *Fratres Aruales*, see *CIL* 6.2295 = *CIL* 1², p. 214 = *Inscr. It*. 13.2, no.2, p. 31: *F(eriae) ex s(enatus) c(onsulto), / [q(uod) e(o) d(ie) Imp(erator) Caesar rem pu] blic(am) tristiss(imo) p[e]riculo [libera]uit.*

48 The fragmentary nature of the three passages from the calendars regarding the date August 1 precludes any certainty about the exact terms of their contents, although they show that there were not many differences: potentially the name of Augustus, although the presence of restitutions on this subject in the *Fasti Praenestini* and the Acts of the *Fratres Aruales* does not allow for certainty on this subject; furthermore, there is some variation in the verbal tense of *liberare* (present in the *Fasti Amiternini* and preterite in the Acts of the *Fratres Aruales*, while the state of the stone does not allow for a clear determination for the *Fasti Praenestini*).

49 Prop. 4.6.41: *solue metu patriam*.

50 Vitr. 1.1: *Cum diuina tua mens et numen, imperator Caesar, imperio potiretur orbis terrarum, inuictaque uirtute, cunctis hostibus stratis, triumpho uictoriaque tua ciues gloriarentur, et gentes omnes subactae tuum spectarent nutum, populusque Romanus et senatus, liberatus timore, amplissimis tuis cogitationibus consiliisque gubernaretur…*

echoes the *timor* of Vitruvius. For all that, one should not think that these two authors were just docilely reproducing a kind of Augustan propaganda. On the contrary, they were each expressing in their own way a more general expectation, that of a return to peace guaranteed by the victorious general Augustus, in whom they placed their full confidence and hope for security.

The term security, which is a specifically Roman notion, was thus quite important at the time and can be defined as the opposite of the fear or danger felt in a time of war – or the threat of war. *Securitas* was in fact a feeling that could spread during and arise from peace. It first appeared on Roman coinage during the Principate of Nero,[51] although it is also attested on a number of occasions in Augustan contexts. In the speeches proposing a political program that Cassius Dio attributed to Agrippa and Maecenas in the context of the year 29 BCE, there is regular reference to ἀσφάλεια,[52] which is the exact Greek translation of the Latin *securitas*. The most significant passage in this regard is the one in which Augustus is presented by Maecenas as the person most able to ensure the city's security: "But since the gods have taken pity on her and have set you over her as her arbiter and overseer, prove not false to her, to the end that, even as now she has revived a little by your aid, so she may survive in safety for the ages to come";[53] in other passages, ἀσφάλεια appears as an objective of military and fiscal reforms,[54] as well as a prerequisite for prosperity.[55] Though it would be careless to trace the ideology of *securitas* back to the Augustan period solely based on the testimony of Cassius Dio, who was, after all, projecting the preoccupations of his own time (i.e. the reign of Severus) onto a distant past, the account from Velleius Paterculus leaves no doubt that such a theme was resonant already from the beginning of the Early Empire. This is clearly indicated in the passage in which he presents Augustus' *res publica* as complete restoration and claims that "people regained security."[56] Furthermore, one finds a similar notion – that of *tranquillitas* – on a number

51 *RIC*² *Ner*. 112-114, 190-195, 299, 375-376, 403-408, 444-446, 518-521, 595-599.

52 The substantive ἀσφάλεια appears in book 52 on three occasions (Dio Cass. 52.16.4; 29.3; 37.5); nine other passages include the use of the adjective ἀσφαλής (Dio Cass. 52.11.3; 13.1; 14.4; 18.6. 19.3; 26.4; 33.9) or the adverb ἀσφαλῶς (Dio Cass. 52.8.1; 18.3). Five other references to these terms that relate to the absence of danger also merit attention: the adverb ἀκινδύνως (Dio Cass. 52.2.2; 5.2; 18.7; 27.5) and the adjective ἀκίνδυνος (Dio Cass. 52.39.2).

53 Dio Cass. 52.16.4.

54 Dio Cass. 52.27.5 and 29.3.

55 Dio Cass. 52.29.3.

56 Vell. Pat. 2.89.4.

of occasions in the context of the Early Empire. This is attested in a coin legend from 16 BCE, which boasted that the *res publica* was henceforth "in a more tranquil state" thanks to Augustus' actions (*per eum*);[57] the very term *tranquillitas* was used in connection with the *res publica* in an official document from the Principate of Tiberius, the *Senatus consultum de Cn. Pisone patre*.[58] *Securitas* and *tranquillitas* are the result and extension of peace, as well as a requirement for the *libertas*, which Augustus so strongly asserted was more than just a slogan. As such, it was one of the primary foundations for the new regime, since it provided the central rationale for backing Augustus and the notion of the *princeps*.[59] As Tacitus wrote at the beginning of his *Annales*, in the passage laying out why and how Augustus was finally accepted, the Romans "preferred the present and its security to the past and its perils," with the adjectives *tutus* and *periculosus* being contrasted to one another.[60]

Does this mean that the sense of fear had completely disappeared from Augustan Rome? Certainly not: the political message diffused by Augustus and repeated by supporters and those close to him and who had confidence in him sought to emphasize the concrete advantages of the peace and security ushered in by the new regime, so as to emphasize what the Romans stood to lose if the *princeps* were to disappear. This amounted to saying that the new power was acceptable in spite of its monarchical form, because it dispelled the danger of a civil war. However, the Romans – chiefly those wielding imperial authority – knew perfectly well that this balance was quite precarious, since it was vulnerable to plots to usurp power or more simply the death of the *princeps*. Indeed, many were aware that one of these events was likely to revive civil war in Rome and the Empire. This is what could have occurred in 23 BCE, when Augustus' grave illness sparked fears of the worst, and prompted worry in Rome about the consequences of a possible power vacuum. Augustus' health finally improved, and we know retrospectively that it was only in the

57 *RIC*² *Aug.* 358 : *I(oui) O(ptimo) M(aximo) s(enatus) p(opulus)q(ue) R(omanus) u(ota) s(uscepta) pr(o) s(alute) Imp(eratoris) Cae(saris) quod per eu(m) r(es) p(ublica) in amp(liore) atq(ue) tran(quilliore) s(tatu) e(st)*; see Suspène 2009: 147-152.

58 *CIL* 2²,5.900, l. 13-15 : *tranquillitatem praesentis status / r(ei) p(ublicae), quo melior optari non pote ⌜e⌝t quo beneficio principis nostri frui contigit, / turbari passi non sunt.* Regarding the use of *tranquillitas* during the Tiberian period, see also the account of Valerius Maximus (4.6.4).

59 In this vein, see Bhatt 2017, 90 where the Principate is presented "as the necessary security mechanism."

60 Tac. *Ann.* 1.2.2: *tuta et praesentia quam uetera et periculosa mallent.*

year 68 AD that Romans again engaged in a violent civil conflict. Yet, it is equally obvious that the fear of a return to civil war was stoked – as a danger to be warded off – throughout the century between Actium and the death of Nero.

Augustus' death was a pivotal moment in this respect. Tiberius ultimately succeeded his father without opposition, though he did experience a few difficulties along the way. What is noteworthy is how the sources emphasize the fear that Romans felt at this time. Tacitus directly mentions the risk of a civil war breaking out again on this occasion, "which many dreaded while others desired";[61] a contemporary of Augustus, Velleius Paterculus, conveys the atmosphere in Rome during August 14 CE by referring to "people's fear, the wavering of the Senate, the confusion of the people, the fear of the city."[62] This fear did not disappear during the Principate of Tiberius. This is emphasized by the account from the *Senatus consultum de Cn. Pisone patre*, where one of the reasons for Piso's condemnation in 20 CE was his intention "to even try to stir up civil war". In this document, this is directly associated in this document with "all the evils which had long since been laid to rest by the divine will of the deified Augustus and the virtues of Tiberius Caesar Augustus," evils that absolutely had to be kept from being revived.[63] The content of an inscription from Rome erected shortly after the execution of Sejanus in 31 CE also bears mentioning, as it indicates that the latter's action "shattered 60 years of peace," according to the traditional reconstruction of the text.[64] Fear of a new civil war was therefore a latent threat to Augustan – and then Tiberian – Rome. It certainly counted for much in the maintenance of Augustus at the head of the new *res publica*. However unstable it may have been, security for Romans was too valuable to be left to chance or be ruined by misfortune of civil war.[65] It therefore took multiple generations – at a

61 Tac. *Ann*. 1.4.2: *plures bellum pauescere, alii cupere.*

62 Vell. Pat. 2.124.1: *Quid tunc homines timuerint, quae senatus trepidatio, quae populi confusio, quis Vrbis metus.*

63 *CIL* 2².5.900, l. 45-48: *bellum etiam ciuile ex/citare conatus sit, iam pridem numine Diui Aug(usti) uirtutibusq(ue) Ti(berii) Caesaris Aug(usti) / omnibus ciuilis belli sepultis malis*; on this passage, see Eck – Caballos – Fernández 1996: 167-168.

64 *CIL* 6.10213 = *ILS* 6044: *… r[upit pacem] / [an]norum LX Seiani sce[lerata] / [inc]itatio…*

65 See in this vein the accounts by Tac. *Ann*. 1.1.1; 1.2.1; 1.4.1-2; 1.9.4; 1.10.4; 3.28.2; and *Hist*. 1.1.1 (see Devillers 2009), as well as Lucan. The notion of fear of civil war as a foundation of Augustus' power was developed in contemporary historiography by Syme

minimum three – in order for the fear felt during the Triumviral period to dissipate, though it did not disappear altogether.

4. Conclusion

"*Senza paura*" ("without fear") are the first words of the poem painted on a cartouche on the east wall of the Allegory of Good Government fresco in the Palazzo comunale of Siena.[66] It is significant that this reference to the absence of fear is directly linked to a female figure unrolling the full poem, who is undoubtedly identified with the allegory of *securitas*. In broadening the perspective, we can see that this representation is part of the wall that celebrates the benefits of peace, and sits opposite the west wall, which depicts the misfortunes of war, whose allegories include the figure *timor*. Fear, (civil) war, security and peace: here we find the same nexus of so many central elements of the political language that were combined in a fourteenth-century fresco from the public palace of Siena, that had already been tied together in Triumviral and Augustan Rome, albeit in a necessarily different and almost reversed context. In the case of Siena, it was the municipality, the *res publica*, that sought to dispel fear of the tyrant by representing the bliss of peace and the horrors of war; when we turn to Rome during the second half of the first century BCE, the image that emerges from the documentation is that of the *princeps* presenting himself – and being presented as – the only one able to ward off danger, dispel fear and ensure civil peace. This should be seen as both the reflection and consequence of the suffering and misfortunes suffered by Romans, who between 49 and 29 BCE experienced two decades punctuated by civil war and who experienced the loss of many citizens and members of the ruling aristocracy on the battlefield.[67]

For everyone living in Rome, fear was undoubtedly a permanent reality during the 40s and 30s BCE, felt with various degrees of intensity at different times. The most distressing period came during the years 44 and 43 BCE,

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1939, especially in the last chapter entitled "*pax et princeps*"; it was taken up by Lacey 1996 and, more recently, by Osgood 2006.

66 For an astute and recent analysis of this fresco, see Boucheron 2013, who builds the argument around the idea of fear; see also Dessì 2017: 283-343.

67 Tacitus offers a reminder of this when he says that "the most unremitting nobles [i.e. those who were opposed to Augustus] had perished in battles or through proscription (*Ann*. 1.2.1: *nullo aduersante, cum ferocissimi per acies aut proscriptione cecidissent*)."

between the assassination of Caesar and the beginning of proscription. The freeing of forces that had previously been contained by Caesar as well as the unleashing of deadly competition and its resulting violence created an atmosphere of anxiety in Rome, one that was marked by uncertainty over who would prevail in the end. It should also be noted that as an institutional centre of power, Rome was a contested location of great importance: it is where Octavian became consul and made his adoption known and where the Triumvirate was instituted. Once the troubling surprise of the revival of proscriptions had passed, Rome was subject to fear throughout the Triumviral period – though less directly than before, since it steered clear of military operations. Nevertheless, between 40 and 36 BCE Romans still lived in perpetual fear due to Sextus Pompeius' blockade of grain supplies. While the threat was less tangible after his defeat, it was still present in latent forms until the death of Marc Anthony. The strategy used by Augustus following his victory precisely entailed exploiting this emotion to show that in contrast to the Triumviral period, his domination was a guarantee for peace and security, even though people were aware of just how precarious such a situation remained.

Emotions are part of politics, and it is a fact that Augustus did not exclude this aspect from his field of action. He provoked fear when he needed to frighten his enemies and the population, but he also succeeded in calming this emotion once he rose to power and was rid of his rivals, even at the risk of subsequently amplifying the *periculum* felt by Romans before his definitive victory. This was one of the requirements for him to be obeyed during the Triumviral period, as well as to garner support both from the 20s BCE onward and throughout his entire Principate.

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THE RECEPTION OF OCTAVIAN'S ORATORY AND PUBLIC COMMUNICATION IN THE IMPERIAL PERIOD

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Dedicated to the memory of Fergus Millar (1935-2019)

1. Introduction

> "Nobody would argue that the formal exercise of their traditional functions by the Senate and people demonstrates the continuance of the free play of politics. But the evidence does seem to indicate that the institutions of the *res publica* themselves persisted through the Triumviral period. Moreover the Triumvirs not only, as we shall see (…), made repeated promises to restore effective power to the Republican institutions, but showed considerable concern to have their actions formally approved and ratified by the traditional organs of the State."[1]

Fergus Millar, in his influential *JRS* article from 1973 on Triumvirate and Principate, argued and showed that the institutions of the *res publica* continued throughout the Triumviral period. Although he did not point out specifically, except for a few side remarks, that this functioning involved public speech, delivered in the senate and in the *contio*, it is clear from his other publications and from conversations that this aspect of political life was not to be forgotten.[2]

Nevertheless, public speech in the Triumviral period is still assessed mainly as a means to explain specific events or as a minor element in larger analyses of political and military episodes and developments, and less so for understanding the development of public speech in the Triumviral period or what individual

1 Millar 1973: 54.
2 Millar 1998 is the culmination of his work on the Republican *contio*, starting with Millar 1984 and 1986.

politicians did with public speech, how that effected their careers and how these speeches were recorded afterwards. However, such analyses of public speech would offer further aspects to Millar's argument about the continuation of the institutions of the *res publica*, would provide new ways of assessing the tactics and strategies of some of the most influential politicians of the period, and would add to the ongoing scholarly debate and reassessment of the sources for the Triumviral period.

Clearly, such a project is beyond the scope of this contribution. But what I propose to do here is to analyse the oratorical record of Octavian in the late Republican and Triumviral periods in order to assess how he employed public speech as part of his career and how his speeches were recorded. I shall start with a brief overview of Octavian's speeches, and argue that the extant record is remarkably scant in comparison with that of his adoptive father, and that the sources for his oratory were interested in particular events and periods, not least the period 44-43 BC. That insight leads to a case study of Octavian's *contio* speech in November 44 BC to illustrate the gains of close reading for our understanding of Octavian's use of public speech: the careful orchestration of the timing, physical setting, words and gestures to convey a complex message shows a young man very much aware of the potential significance such a public address could have on the audience and therefore on the speaker's political position in both shorter and longer term. The case study leads to a discussion of what a focus on Octavian's speeches and its reception can tell us about his use of public speech as part of his political strategy, in particular in the Triumviral period. A final consideration of the possibilities and limitations of our source material on Octavian's oratory suggests that Augustus may have tried to curate his own oratorical record and that this may have influenced the limited availability of material to ancient authors and modern scholars.

2. Octavian the orator (51-30 BC)

To both contemporary and later ancient sources, Octavian – and Augustus[3] – was known to have trained with diligence, self-discipline and talent in his youth to become a well-prepared, elegantly spoken and effective

3 I shall use the name Octavian for the period before his assumption of the name Augustus in 27 BC, and the name Augustus for the period from the assumption onwards.

orator.[4] Our sources to his speeches and oratorical skills range from contemporary sources such as Cicero's letters and speeches and Nicolaus of Damascus' biography of Augustus, to later imperial sources such as Plutarch, Quintilian, Suetonius, Appian and Dio – all writing different types of works and for different purposes.[5] No full speech of Octavian (or Augustus) exists, and his extant works – the *Res Gestae* and his fragmentary memoirs – give limited insights into his speeches: Pliny seemingly quotes words of Octavian said in public at the games in honour of Julius Caesar in the summer of 44 BC and recorded in Augustus' memoirs,[6] and Appian tells us that he has translated speeches of Lucius Antonius and Octavian which he found in Augustus' memoirs.[7] We know that Octavian/Augustus circulated some of his speeches in written form and, especially, that he often prepared notes or manuscripts for his own use before important speech events (even in private), although he could also improvise when necessary.[8] He is unlikely to have shared his speech

4 Cic. *Att*. 16.15.3 (SB 426) (Octavian's contional effectiveness); Nic. Dam. Ex. V (J 129=M 100 XVb), 36 (self-discipline); Sen. *Apocol*. 10-11 (divine Augustus made to utter his indictment of Claudius *summa facundia*; Tac. *Ann*. 13.3.2 (on Augustus' oratorical style); Suet. *Aug*. 84 (continuous training, preparation), 86-87 (elegant style), 89 (teacher); *De gramm. et rhet*. 25.3 (declamatory practices), 28.1 (oratory teachers); Quint. *Inst*. 1.7.22 (choice of words), 3.1.17 (teacher), 8.3.34 (choice of words); Fronto *Ep. Ad Verum imperatorem* 2.10 (123.3-7) (elegant style); Dio Cass. 45.2.7-8 (practice in Latin and Greek oratory); Aur. Vict. *De Caesaribus* 1 (studies), *Epitome de Caesaribus* 1.17 (declamatory practices, diligence); Ael. *Var. hist*. 12.25 (teacher). On Octavian's teachers, see also Bringmann 2007: 26-27. For a collection of Octavian's/Augustus' speeches, see Malcovati 1969: 71-79; Bringmann – Wiegandt 2008: 161-79. On Augustus' 'voice', see Levick 2010: 132-36, 206-8.

5 Epigraphic evidence of his funeral speech over Agrippa: Koenen 1970; Haslam 1980; Badian 1980-81. However, the mention of Marcus Antonius and Octavian speaking in the senate in 39 BC, recorded in the Aphrodisias inscriptions (*RDGE* 28B, 29 = Reynolds 1982: 8.21-30), should probably not be included in the tally. The fact that Antonius is mentioned first and addressed several issues relating to Plarasa/Aphrodisias (within Asia which was his responsibility) suggests that only he spoke whereas the inclusion of Octavian's name immediately after Antonius simply indicates that he was there as well. This is argued by Reynolds 1982: 75, and I thank Professor Andrea Raggi for his comment on this.

6 Plin. *HN* 2.93-94, also listed by Smith 2009: 2.

7 App. *B Civ.* 5.45.191. Gowing 1992: 241-242 argues that Appian did not mean direct 'translation' but rather an approximate rendering of the words spoken into Greek. Powell 2009 instead argues that Appian followed Augustus' memoirs closely, including in the use of L. Antonius' and Octavian's speeches after Perusia (pp. 179-181), and Welch 2012: 229-230 also argues that the speech of Octavian in Appian reflected the message which Augustus needed to provide at the time of the composition of his memoirs, namely that he embraced the *res publica*.

8 Cic. *Att*. 16.15.3 (SB 426): Cicero received a written version of Octavian's *contio* speech delivered on 10 November 44 BC. App. *B Civ.* 5.130.539-540: on return to Rome in

manuscripts, but Suetonius could later find and read some of Augustus' letters, giving him insights into Augustus' style.[9]

When compared with many other republican orators, Octavian's oratorical record is not unusual in terms of the number of testimonia and potential fragments or in terms of citing authors. But when placed in the context of his most obvious comparison, Julius Caesar, there are telling differences.[10] Some of the imperial authors who were interested in Julius Caesar's speeches were not particularly interested in Octavian's. For example, Aulus Gellius' substantial references to republican oratory, including the speeches of Julius Caesar, do not contain a single mention of Octavian's/Augustus' speeches. Aulus Gellius was interested in speeches for conveying aspects of the Latin language, but although Suetonius tells us about Octavian's/Augustus' elegant style,[11] and although Gellius mentions some of Augustus' letters and that Augustus imitated his adoptive father's style in discourse, he does not refer to or quote from Octavian's/Augustus' speeches.[12]

Another characteristic of Octavian's oratorical record is that the testimonia are lumped together around specific (types of) sources and around particular periods or moments in time. For the early part of Octavian's career, we have Nicolaus of Damascus' account and Cicero's works; both stop in 43 BC. From 42 BC onwards, our sources are almost exclusively Appian, Dio and, to some extent, Plutarch – all writing later and in Greek – and a few testimonia from Suetonius. This means that we need to take into account different kinds of concerns, such as access to information, language and purpose of writing, when assessing different periods of Octavian's oratory. Testimonia are also lumped around particular periods, such as major military events with the battle of Philippi and the siege of Perusia as the most

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36 BC, Octavian delivered speeches in senate and to the people, which he wrote down and circulated as pamphlets. Suet. *Aug.* 84 on written preparation before speaking in senate or *contio*. Dio Cass. 53.2.7 on Augustus' written manuscript before the speech on 13 January 27 BC, 50.3.1 on Augustus' address to the senate in January 32 from a (partly) written text. Improvise: Nic. Dam. 32-33 (response to the false Marius).

9 Suet. *Aug.* 87-88; cf. Quint. *Inst.* 1.7.22 who also comments on Augustus' letters, and de Jonge 2018: 264 who sets Augustus' style within its contemporary context of rhetorical debate regarding Atticism.

10 For the reception of Julius Caesar's speeches in the imperial period, see van der Blom (forthcoming).

11 Suet. *Aug.* 84, 86.

12 Aul. Gell. 10.24.2, 15.7.3.

prominent.[13] Here, I am not concerned about the veracity of battle speeches or military *contiones*, or about the narrative sources' use of speeches to move forward their accounts, but simply assessing where the sources lay the emphasis in their references to Octavian's public speeches. Another emphasis falls on Octavian's presence in Rome in the later part of the 30s BC where he made the most of his access to the senate and popular assemblies.[14] One major example of this is the opening and public reading of Antonius' will in 32 BC, which the sources cover abundantly.[15] The most extensive and varied testimonia, however, are around Octavian's speeches in the period 44-43 BC, found in the works of Cicero, Nicolaus, Suetonius, Appian, Dio, Plutarch and Pliny the Elder. These sources offer insights into specific oratorical events, but also, as a collective, show a remarkable interest in and detailed knowledge of these speeches. Certainly, the period between the murder of Julius Caesar in March 44 BC and the formation of the Triumvirate in November 43 BC was crucial in Roman history and for Octavian's rise to power. Any sources interested in either, if not both, tend to mention some of the speech moments of Octavian. But the sources' attention to Octavian's speech acts of 44-43 BC perhaps also reflect the fact that Octavian was responding to Antonius, the centre of formal and real power at the time, and that some of these sources used Augustus' memoirs (explicitly mentioned by Nicolaus, Appian and Pliny the Elder). The memoirs appear to have had a strong emphasis on this period, because Augustus needed to offer his version of his rise to power in order to make it fit his message and persona at the time of composition.[16] Our sources' emphasis therefore reflects the significance of

13 Philippi: App. *B Civ.* 4.126.525 (before one of the two battles); Dio Cass. 47.42.2-5 (immediately before one of the battles); Suet. *Aug.* 13.1-2 (after the battles). Perusia: Dio Cass. 48.8.5 (before the siege); App. *B Civ.* 5.28.107 (before the siege); Suet. *De gramm. et rhet*. 28.1 (Cannutius' response to Antonius and Octavian before the siege); App. *B Civ.* 5.45.188 (Octavian's response to Lucius' speech of surrender (5.45.188-190), followed by Appian's remark (5.45.191) to have translated the speeches from Augustus' memoirs and notes), 5.47.197-199 (Octavian addressing L. Antonius' troops, possibly also from Augustus' memoirs although Appian does not say so); Suet. *Aug.* 15.1 (Octavian sitting in judgement over the surrendered; with Wardle 2014: 137).

14 App. *B Civ.* 5.130.539-540 (36 BC); Dio Cass. 49.15.3 (36 BC); Plut. *Ant*. 55.1 (33 BC, with Pelling 1988: 252-53); 55.4; Dio Cass. 50.2.1 (33 BC), 50.2.5-7 (32 BC).

15 Plut. *Ant.* 58.6-8 with Pelling 1988: 261; Dio Cass. 50.3.4; Suet. *Aug.* 17.1 with Wardle 2014: 147.

16 Powell 2009 on the apologetic tone of the memoirs; Welch 2019a on the story line of revenge.

the events (including public speaking) in 44-43 BC both at the time and in later interpretations.

3. Case study: Octavian's *contio* speech on 10 November 44 BC

The case study for special attention is Octavian's speech in a *contio* called by the tribune Ti. Cannutius on 10 November 44 BC. I have chosen this speech because it is particularly well evidenced and gives good insights into Octavian's use of oratory in this crucial period and into the sources to Octavian's oratorical record in general.

The background is well known, so I shall only briefly sketch it here: after Caesar's murder in March 44 BC, Marcus Antonius as consul took control of public affairs while the conspirators (or liberators, depending on view point) were side-lined. Octavian received the news of the murder and Caesar's will in Apollonia and he travelled first to Brundisium and then to Rome.[17] In the following months, Octavian worked towards being formally accepted as the adoptive son of Julius Caesar and receiving his inheritance: name, property and loyalty of Caesar's troops. Antonius, on his side, strove to stay in control of political and military powers and resources (including Caesar's veterans) and he actively worked against Octavian as well as the conspirators and those who supported them.[18] In the autumn of 44 BC, some opposition to Antonius had begun to form: senior consulars such as L. Piso and Cicero were speaking up against Antonius in the senate, Octavian had managed to manoeuvre himself into a position as Antonius' rival to avenge Julius Caesar and had increased his attempts to get Cicero's support, and the tribune Ti. Cannutius held a series of *contiones* to criticise Antonius.[19] Cannutius spoke himself, but he also called Antonius (on 2 October) and

17 See Toher 2004 and Sumi 2005: 125-131 for detailed discussions of the timing and manner of Octavian's arrival in Italy after the murder of Caesar. Toher argues that Octavian travelled first to Rome, then to Campania and then back to Rome (accepted by Welch 2019a), while most scholars think Octavian went from Brundisium to Campania and then to Rome.

18 See Welch 2019a for the competing claims of Antonius and Octavian to avenge the murder of Caesar.

19 Piso's speech: Cic. *Att.* 16.7.1, 16.7.5 (SB 415); Manuwald 2007: 9-19.

Octavian (on 10 November) to address the present crowd.[20] It is this *contio* in which Octavian spoke, which forms our case study.[21]

The sources on this occasion are good in comparison with other speech occasions in Octavian's record. Although there is nothing in Augustus' extant works, we have contemporary evidence from Cicero's letters and third *Philippic* speech, the latter delivered about a month after the *contio*.[22] In fact, Cicero's last extant letter to Atticus discusses the *contio* speech directly and paraphrases a bit of it. We also have a description of the lead up to this *contio* in Nicolaus of Damascus' *Life of Augustus*, which Toher has convincingly argued to be influenced by Augustus' now mainly lost autobiography.[23] Finally, we have the extensive narrative accounts by Appian and Dio, written in the second and early third century AD. I shall go through these *testimonia* to build up our information about the speech and event. Chronologically, our first source is Cicero who wrote to Atticus shortly after 12 November 44 BC, a few days after the *contio*. I quote the entire paragraph because the context of Cicero's mention of the speech is important for understanding how and why he received it:

> *Redeo ad rem publicam. multa mehercule a te saepe* ἐν πολιτικῷ *genere prudenter, sed his litteris nihil prudentius. quamquam enim †posteа† in praesentia belle iste puer retundit Antonium, tamen exitum exspectare debemus. at quae contio! nam est missa mihi. iurat 'ita sibi parentis honores consequi liceat' et simul dextram intendit ad statuam.* μηδὲ σωθείην ὑπό γε τοιούτου*! sed, ut scribis, certissimum video esse discrimen Cascae nostri tribunatum, de quo quidem ipso dixi Oppio, cum me hortaretur ut adulescentem totamque causam manumque veteranorum complecterer, me <n>ullo modo facere posse, <nisi> mihi exploratum esset eum non modo non inimicum tyrannoctonis verum etiam amicum fore. cum ille diceret ita futurum, 'quid igitur festinamus?' inquam. 'illi enim mea opera ante Kal. Ian. nihil opus est, nos autem eius voluntatem ante Id. Dec. pers<pi>ciemus in Casca.' valde mihi adsensus est. quam ob rem haec quidem hactenus.*

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20 Cic. *Fam*. 12.3.2 (SB 345), 12.23.3 (SB 347); *Att*. 16.8.2 (SB 418); *Phil*. 3.23 (with Manuwald 2007: 408).

21 For a full analysis of the *contio*, including the physical and performative contexts, see Sumi 2005: 161-68. For a briefer assessment of Octavian's *contio*, see Gotter 1996: 94-95.

22 Cic. *Fam*. 12.3.2 (SB 345), 12.23.3 (SB 347); *Att*. 16.8.2 (SB 418), 16.15.3 (SB 426); *Phil*. 3.23.

23 Toher 2017 throughout his commentary, but see Smith 2014: vol. I, 460, who argues that the memoirs of Augustus cannot be reconstructed on the basis of Nicolaus' account and, indeed, Toher 2009 which is more sceptical than Toher 2017. Since Toher 2017 is the result of further study and the latest statement by the specialist in the field, I am following the interpretation in this work. For text, translation and discussion of the fragmentary memoirs, see Smith 2009, 2014.

> To come to public affairs, many indeed are the wise words I have heard from you on matters of politics but nothing wiser than this letter. This boy is taking the steam out of Antony neatly enough for the moment, but we had best wait and see the issue. But what a speech—a copy was sent to me. Swears 'by his hopes of rising to his father's honours,' stretching his hand out towards the statue! Sooner destruction for me than a rescuer such as this! But as you say, the clearest test will be our friend Casca's Tribunate. I told Oppius on that very subject, when he was pressing me to embrace the young man and his whole movement and band of veterans to boot, that I could do nothing of the kind unless I was sure that he would be not only no enemy but a friend to the tyrannicides. When he replied that this would be the case, 'What's our hurry then?' said I. 'He needs no help from me before the Kalends of January and we shall plainly see his disposition before the Ides of December over Casca.' He quite agreed. So much for this then.[24]

Cicero's paraphrase of Octavian's words and performance – swearing that he will attain his father's honours as far as permitted and gesturing towards Caesar's statue – is unique: it is the closest we get to any of Octavian's speeches. Cicero's pleasure in hearing about Octavian bashing about (*retundit*) Antonius is tempered by his dread at what Octavian's contional message might mean for Rome (and himself), but he does not spell out the implications directly because Atticus knew them. Nevertheless, it is clear that Octavian (again) publicly claimed his relationship with the dead dictator, in words and gesture, and that the religious element of swearing added weight to Octavian's claim and promise to rise to his adoptive father's honours.[25] In fact, this is one of the first instances of Octavian's (and Augustus') interest in involving the gods through swearing.[26]

The opening of this passage suggests that Cicero is responding to Atticus' report on Octavian taking the steam out of Antonius, commenting that they

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24 Cic. *Att*. 16.15.3 (SB 426) from Arpinum, dated by Shackleton Bailey to 'after 12 November'; text and transl. Shackleton Bailey 1999.

25 Octavian had claimed his inheritance from Julius Caesar at a *contio* in May 44: Cic. *Att*. 14.20.5 (SB 374, 11 May 44), 14.21.4 (SB 375, 11 May), 15.2.3 (SB 379, 18 May); App. *B Civ*. 3.14.49 with Sumi 2005: 129. For the precise meaning of these honours (*honores*), see discussion below.

26 *RGDA* 25.5 (with Cooley 2009: *ad loc*. and Osgood 2006: 357-359) on the famous but disputed oath of the entire Italy to Octavian in 32 BC; Levick 2010: 47-48 and 2011 gives some context in preparation of her discussion of some later Augustan oaths. If Appian was right to depict Antonius as claiming that the senators supporting the conspirators' deed had polluted their oath of allegiance to Caesar (Welch 2015, 280-285), then one might read Octavian's oath as a response, claiming religious justice on his side. Antonius' letter to Hirtius and Octavian, quoted in Cic. *Phil*. 13 (conveniently pieced together in Lintott 2008: appendix 8, 445-457) is Antonius' response to this tactic of Octavian.

should wait and see what would happen. Atticus was in Rome at this point and therefore in a good position to follow Octavian's activities there, while Cicero was in Arpinum.[27] But Cicero seems not to have heard the details about Octavian's speech from Atticus: the factual tone and the passive voice used to describe how he got hold of it, *nam est missa mihi*, rather suggests that Atticus did not know Cicero had read a written version and that Cicero received it from an unimportant messenger; otherwise he might have told Atticus from whom he received it. We shall consider in a moment who might have sent it. The paraphrase of Octavian's speech clearly comes from the written version Cicero read, but what about the comment on the delivery, Octavian stretching out his hand? Cicero does not say, but perhaps the person who sent the speech described Octavian's performance in the cover letter or told him in person. Then, after his expression of horror at Octavian's message, Cicero reverts to responding to Atticus' point about Casca: as one of the conspirators against Julius Caesar, Casca's position when taking up his tribunate on 10 December 44 would be a testing ground for how far Octavian would be willing to work with the conspirators, also in the new year under the new consuls. This comment leads Cicero to tell Atticus of a visit by Oppius, one of Julius Caesar's closest advisers and assistants and, from this letter, apparently in a similar position to Octavian.[28] That Oppius was trying to get Cicero's support of Octavian's *totam causam* and that Cicero's price for this was Octavian's promise to not to harm but support the conspirators, to which Oppius agreed, is evident and fits Octavian's continued efforts to get Cicero's support throughout the autumn of 44 BC.[29] This suggests that Octavian (or one of his 'friends') sent Cicero the copy (or a copy, as Cicero might have received more than one from different correspondents/messengers) of the *contio* speech in order to continue his communication with Cicero and to show Cicero his intentions and

27 Cic. *Att*. 16.15.6 (SB 426) makes clear that Atticus warned Cicero against going to Rome but that Cicero thought it necessary to return to Rome because of his financial difficulties, saying *adsum igitur* – 'I am coming soon', i.e. joining Atticus in Rome soon.

28 On Oppius' (and Balbus') service to Julius Caesar and Octavian, see Alföldi 1976; Welch 1990.

29 Cic. *Att*. 16.8.1-2 (SB 418, 2 or 3 Nov.), 16.9 (SB 419, 4 Nov.) 16.11.6 (SB 420, 5 Nov.), 16.14.1 (SB 425, 12? Nov.); 16.15.3 (SB 426, after 12 Nov.). Octavian had been in contact with Cicero since his arrival in Italy in spring 44 BC: Cic. *Att*. 14.12.2 (SB 366, 22 April); cf. 14.10.3 (SB 364, 19 April), 14.11.2 (SB 365, 21 April). Welch 2012: 138-142 argues that Cicero's price for collaboration with Octavian was the control of the provinces against Antonius' redistribution in June 44 BC because it would protect Decimus Brutus in Cisalpine Gaul and the action of Marcus Brutus in the East.

actions.[30] From the structure of this paragraph and the passive voice in describing the arrival of the speech, it seems that Oppius did not deliver the speech together with his invitation to Cicero to collaborate with Octavian. But that is not to say that Oppius did not know how to time his visit, if he knew that the letter with the *contio* speech had arrived at Cicero's; that is, if the letter was sent by Octavian. The positioning of Oppius has relevance for our understanding of the speech itself, as we shall see below.

From Cicero, therefore, we have an indication of the content and delivery of the speech, and we know that a written version of the speech existed at the time. In fact, the written speech is likely to have been circulated more widely in order to extend the message from its original audience of the people, including veteran soldiers, to senators and, almost certainly, Antonius.[31]

Indeed, Nicolaus of Damascus' description of Octavian's activities just before going to Rome and speaking at this *contio* indicates that Octavian used both the spoken word and the written text to reach a wider audience. During his travels in the Etrurian countryside in late October and early November, when he was trying to convince the various legions stationed there to join him and to drum up further support for his cause, Octavian spoke with local town councillors and soldiers, addressed local assemblies, and provided written messages for his followers to distribute wider than he himself could travel.[32] Nicolaus also offers insights into Octavian's message: that his father had been unjustly murdered, that Antonius was plotting against him, that they should support him as the rightly heir of Julius Caesar because they had benefited from Caesar, and that they should protect him against Antonius. There is no mention of the conspirators. This message is compatible with but not identical to what we know was the message in Octavian's *contio* speech. In his commentary on Nicolaus' biography, Toher astutely remarks on the divergence between Octavian's message in the Italian towns and later justification for what was essentially an illegal recruitment of troops and, given Octavian's stated purpose, an act of treachery towards the consul:[33] in the *Res Gestae*, Augustus argued that he had gathered an army on private initiative to free the

30 See also Pina Polo 1996: 28, n. 89, who states that Octavian sent Cicero the written version of his *contio* speech, and Pina Polo 2018: 116-117. Kelly 2008: 34 also states that Octavian sent Cicero a copy.

31 See Kelly 2008 for discussion of such circulation.

32 Nic. Dam. 136-139 with Toher 2017: 420-425.

33 Toher 2017: 412-413.

res publica from the domination of Antonius.[34] This was also the justification in Cicero's first speech to publicly advocate honours for Octavian, his third *Philippic* speech delivered in the senate on 20 December 44 BC, and in later accounts; indeed it has been suggested that Octavian's formulation in the *Res Gestae* was inspired by Cicero's.[35] Privately, Cicero was more in tune with Octavian's contemporary message, understanding that the young man aimed at war with Antonius with himself as the general. Cicero wrote to Atticus at the start of November 44 BC:

> *Kalendis vesperi litterae mihi ab Octaviano. magna molitur. veteranos qui Casilini et Calatiae <sunt> perduxit ad suam sententiam. nec mirum, quingenos denarios dat. cogitat reliquas colonias obire. plane hoc spectat ut se duce bellum geratur cum Antonio. itaque video paucis diebus nos in armis fore. quem autem sequamur? vide nomen, vide aetatem. atque a me postulat primum ut clam colloquatur mecum vel Capuae vel non longe a Capua. puerile hoc quidem, si id putat clam fieri posse. docui per litteras id nec opus esse nec fieri posse. (…) ducem se profitetur nec nos sibi putat deesse oportere.*
>
> On the evening of the Kalends a letter for me arrived from Octavian. He has great schemes afoot. He has won the veterans at Casilinum and Calatia over to his views, and no wonder since he gives them 500 denarii apiece. He plans to make a round of the other colonies. His object is plain: war with Antony and himself as commander-in-chief. So it looks to me as though in a few days' time we shall be in arms. But whom are we to follow? Consider his name; consider his age. And now he asks me, in the first instance, for a secret interview in Capua or somewhere in the vicinity—childish, if he thinks it could be done secretly. I wrote pointing out that this was neither needful nor possible. (…) In short, he proffers himself as our leader and expects me to back him up.[36]

This discrepancy in Cicero between the privately understood and the publicly argued objective of Octavian's recruitment of soldiers and legions is to be found in later sources, too, but only in comparison. As we have already

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34 *RGDA* 1.1: *annos undeviginti natus exercitum privato consilio et privata impensa comparavi, per quem rem publicam a dominatione factionis oppressam in libertatem vindicavi*. See Cooley (2009) 108 on the passage in general, including the implicit reference to Antonius in 'dominatione factionis'.

35 Cic. *Phil*. 3.3: *in rei publicae salute conlocavit*. Liv. *Per*. 117; Vell. Pat. 2.60-61.2; Suet. *Aug*. 10.3. See discussion in Sumi 2005: 166-67 of Cicero's public presentation of Octavian in this period; and Sumi 2005: 167 with n. 33; Cooley 2009: 107 and Hodgson (2017) 224-225 on the verbal echoes from Cicero's third *Philippic* to *RGDA* 1.1. See also Levick 2010: 207 for other Augustan echoes of Cicero.

36 Cic. *Att*. 16.8.1-2 (SB 418, 2 or 3 Nov. 44 BC); text and transl. Shackleton Bailey 1999.

seen, Nicolaus of Damascus' account, which was influenced by Augustus' memoirs, brought forward the idea that Octavian needed an army to defend himself against Antonius. The much later accounts of Octavian's *contio* speech in Appian and Dio provide contrasting details about the content of the speech, but also offer more context.

First of all, Appian and Dio explicitly state that the tribune Cannutius, whom Cicero mentions in connection with other *contiones* in this period, also called the *contio* at which Octavian spoke.[37] Appian also tells us that the *contio* took place at the temple of the Dioscuri, that Octavian stationed his armed soldiers there, and that Cannutius spoke first, followed by Octavian:

> ὡς δὲ εἰσῆλθον, ὁ μὲν εἰς τὸν νεὼν τῶν Διοσκούρων παρῆλθε, καὶ τὸν νεὼν περιέστησαν οἱ στρατευόμενοι ξιφίδια ἀφανῶς περιεζωσμένοι, Καννούτιος δὲ πρότερον ἐδημηγόρει κατὰ τοῦ Ἀντωνίου. ὁ δὲ Καῖσαρ καὶ τοῦ πατρὸς αὐτοὺς ὑπεμίμνησκε καὶ ὧν αὐτὸς ὑπὸ Ἀντωνίου πάθοι, δι' ἃ καὶ τόνδε τὸν στρατὸν ἐς φυλακὴν εἴη συνειλεγμένος: ἔφη τε ἐς πάντα τῆς πατρίδος ὑπηρέτης καὶ κατήκοος ἔσεσθαι καὶ ἐς τὰ νὺν πρὸς Ἀντώνιον ἕτοιμος.
>
> When he arrived he went to the temple of the Dioscuri, and stationed his soldiers, openly bearing arms, around the temple. Cannutius spoke first, against Antonius. Caesar reminded them of his father, and also of what he himself had suffered at Antonius' hands, as a result of which he had enlisted this army for protection. He said that in every respect he would be the obedient servant of the fatherland, and ready for Antonius in the current situation.[38]

Dio suggests that it was Octavian who persuaded Cannutius to call a *contio* and bring him forward as speaker in order to counter Antonius' obstruction under the pretext of addressing Caesar's bequest:

> κωλυθεὶς δὲ ὑπὸ τῶν περὶ τὸν Ἀντώνιον οὐχ ἡσύχασεν, ἀλλὰ Τιβέριον Καννούτιον δημαρχοῦντα ἀναπείσας ἔς τε τὸν ὅμιλον ὑπ' αὐτοῦ ἐσήχθη, πρόφασιν τὴν δωρεὰν τὴν καταλειφθεῖσαν ὑπὸ τοῦ Καίσαρος ποιησάμενος, καὶ δημηγορήσας ὅσα ἥρμοττε, ταύτην τε εὐθὺς ἐκτίσειν σφίσιν ὑπέσχετο καὶ ἄλλα αὐτοὺς πολλὰ προσεπήλπισε.
>
> Although obstructed by Antonius' agents he did not keep quiet, but won over Tiberius Cannutius, one of the tribunes, and was brought before the people by him, using as a pretext Caesar's bequest, and he addressed them suitably, promising to pay this debt at once and offering many other hopes to them as well.[39]

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37 App. *B Civ.* 3.41.168-9; Dio Cass. 45.6.3; Cic. *Phil.* 3.23. Pina Polo 1989: App. A no.360 (p. 311).

38 App. *B Civ.* 3.41.168-169; transl. *Fragments of the Roman Republican Orators*.

39 Dio Cass. 45.6.3; transl. *Fragments of the Roman Republican Orators*.

These details in Appian and Dio are not in our other extant earlier sources, but sound probable because they are compatible with the other sources. They suggest the open display of armed soldiers within the *pomerium* to support a speaker and his message: whether or not Octavian was physically threatened by Antonius, it would be easier to make that case by displaying soldiers as if a personal bodyguard. Moreover, it was the soldiers as well as the urban plebs whom Octavian tried to convince on this occasion. Combined, Appian's and Dio's contextual details suggest an Octavian fully aware and capable of using the *contio* to show his political and military position and to underline an argument about the necessity of a personal army.

Nevertheless, Appian and Dio disagree internally and with the earlier sources in their explanations of Octavian's message at the *contio*. Appian's paraphrase suggests that Octavian linked his mention of Julius Caesar with his own bad treatment by Antonius, which necessitated his private army for protection against Antonius – a message which soldiers loyal to Caesar might buy.[40] But Octavian appears also to have said that he would be a servant of the fatherland (πατρίδος (πατρίς) = *patria*), and that he would be ready for Antonius.[41] If this is true, the combination of swearing (as we know from Cicero) and professing to be a servant of the fatherland makes Octavian's action close to the formal *sacramentum* which individual soldiers swore to their commander, and therefore a much more binding promise with religious implications.[42] The reference to the fatherland also points to his yet-to-come agreement with Cicero to fight for *res publica* against Antonius, as we have already seen was Cicero's public justification in his third *Philippic* speech and

40 See Welch 2019a, who discusses the theme of avenging the dead Julius Caesar from a historical and historiographical perspective, arguing that Octavian and Antonius not only competed for the role as avenger, but also that their self-presentation as avengers changed over time and that our sources reflect those changes as well as their own compositional purposes. See also Welch 2015 with more focus on Appian's account.

41 On the use of *patris* for *res publica* in the Greek version of the *Res Gestae* (2.1), see Cooley 2009: 61 and Welch 2014/2018: 140. Could a similar translation have taken place in Appian's account?

42 Octavian would probably also have used the particular *sacramentum* related to the *fetiales* (origin: Livy 1.24.3-9) when, as a *fetialis* as Dio explains, he declared war on the foreigner Cleopatra and therefore on Marcus Antonius: Dio Cass. 50.4.4-5. This is another example of Octavian's use of religious communication and ancestral ritual traditions for own purposes. See also Scheid 2007: 186 on Octavian using religious policy to set himself apart because of his position as an underdog.

which was a theme in his fifth *Philippic*, too.[43] Moreover, it is clear that in Appian's narrative of the *contio*, Octavian argues that he enlisted his army for personal protection but now suggests that he will also use it to protect the country. This can only be understood by looking at Appian's description leading up to the *contio*, where he has Cannutius argue in the *contio* that Octavian was advancing against Antonius and that those who were afraid of Antonius aiming at tyranny should side with Octavian. In Appian's presentation, Cannutius is using Octavian to continue his fight against Antonius and tyranny and for the fatherland, while Octavian is using Cannutius to continue his fight for himself and against Antonius' rivalry. In this scenario, Octavian's reference to 'the fatherland' is not improbable because it would give his followers a higher cause to fight for, while not compromising Octavian's actions. However, it also looks very close to Cicero's later reconstruction in the *Philippic* speeches, as we have seen, and makes one wonder the extent to which Appian has transposed the rhetoric of mid-December 44 BC onwards back to November, because his distance to the events and his sources allowed him to make further connections than could be made at the time.

In Dio's account, the speech is much more transactional: Octavian is brought in to the *contio* on the pretext of Caesar's bequest – that is, Caesar's bequest to the soldiers who were still waiting for their money. Octavian addresses this issue by promising to pay his debt; in other words, the debt he took on by accepting Caesar's adoption, inheritance and the obligations of Caesar's bequest. Dio suggests that Octavian also spoke of other things, but in his narrative, it is the promise of the bequeathed money which is central and which makes the difference for the audience. There is no word of the threat of Antonius, the honour of Julius Caesar, or the obedience to the fatherland.

Gowing has analysed Appian's and Dio's descriptions of the *contio* and concluded that the differences stem from the different agendas of the historians: Appian was interested in legal and constitutional aspects while Dio laid down the facts as he knew them without the complications of soldiers' loyalty or fighting for the fatherland.[44] Gowing also argues that Appian is more concerned here with cause and effect, depicting Antonius and Octavian

43 Cic. *Phil.* 5.6, 5.23, 5.46-51.
44 Gowing 1992: 105-108.

as reacting to each other, while in Dio we need to infer that Octavian's objective had been supreme power from the start. While this is correct, it might reflect not only different agendas in Appian and Dio but perhaps also different (selections of) source material. Appian's attention to cause and effect is possible because he writes with the benefit of hindsight, but I have also suggested that he transposes the rhetorical theme of fighting for the fatherland to an earlier point in time in autumn 44 BC; this was only possible if he combined the Augustan sources, including the memoirs, with Cicero's *Philippic* speeches (or later reworkings of these). Dio's narrative also suggests the use of Cicero, but the emphasis is on the information we have in Cicero's letters, rather than the speeches, including Octavian's real objective in collecting Caesar's veterans for his cause.

Apart from the historiographical questions arising from Appian's and Dio's accounts, their information about the physical context of the *contio* necessitates discussion of the space in which Octavian delivered his speech as well as the content of the speech and the meaning of his gesture. There is no reason to doubt Appian's statement about the location as the Temple of the Dioscuri (Castor and Pollux). In the first century BC, it was a regular place to convene *contiones*,[45] and the steps leading up to the temple offered a useful platform from which to address a crowd gathered in the forum. Moreover, Castor and Pollux were associated with military victory, the *equites* and their annual parade (the *transvectio equitum*), which formed a useful combination as Octavian was still an *eques* and it underlined his militaristic message.[46] This early use of the temple might be a precursor to Augustus' later usage and the reconsecration (officially by Tiberius) of the temple in AD 6.[47] The position of soldiers around the temple underlined this message further by suggesting that Octavian might win over Antonius with the support of the young *equites*, just as the Dioscuri had helped the Romans at Lake Regillus.

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45 Pina Polo 1989: 183-184.

46 Poulsen 1992a; Nielsen 1993; Poulsen 1994. Poulsen 1992a: 51 also suggests that one of the last coins minted in the late Republic to feature the traditional representation of Castor and Pollux (*RRC* 463/1a and 463/1b, 46 BC) might have been related to Julius Caesar's victory over Pompey at Pharsalus in 48 BC, thereby rejecting Crawford's 1996: 474 suggestion that the image related to the moneyer's Tusculan origin. If Poulsen is correct, this reference to Julius Caesar's victory might have been a further reason for speaking from the steps of the temple.

47 Poulsen 1992b: 57, 59-60.

The space occupied by Octavian's soldiers, also mentioned by Appian, will have been the end of the *vicus Tuscus* between the temple and the Basilica Sempronia (on the right when looking at the temple from the forum), and the end of the *gradus Aurelii* and the area in front of Lacus Juturna, the round temple to Vesta and the Regia (on the left when looking at the temple from the forum), next to the space where the Temple to Divus Julius would be built and where there might already have been an improvised shrine to the murdered dictator.[48] The decision to convene the *contio* here might have been Cannutius'. Apart from being a conventional *contio* location (presumably because of its convenient position on the forum and its vicinity to the senate house and the *rostra*, whether the republican *rostra* in front of the *comitium* or the newly instated *rostra* at the end of the forum towards the Capitol – Caesar's idea but Antonius' action),[49] there might have been further reasons for calling the *contio* of 10 November here, and perhaps not all of them relating to Cannutius.

The clue is in the gesture Cicero reports Octavian made to the statue of Julius Caesar (*ad statuam*). First, we must ask, which statue? This is not clear from Cicero's account, and none of the other sources report on Octavian's gesture. Nor is it clear from our sources in general. Scholars have discussed the issue of the statue, often as part of a wider consideration of the divinisation of Julius Caesar, the period following the murder of Caesar, and the building activity in the forum during the 40s and 30s BC. Weinstock argues that Octavian gestured at a column set up by Amatius honouring Julius Caesar at the place where his impromptu funeral cremation had taken place (where the later Temple to Divus Julius would be built), which had been taken down by Dolabella and then re-erected by the people, arguing that the term 'columna' is often used when a statue is also meant."[50] Alföldi, in his review of Weinstock, argues that there was no statue in this place to which Octavian could point.[51] Sumi thinks that Octavian gestured to a statue possibly placed on top of an

48 *LTUR* II, fig. 154, p. 482 shows the Republican-period Forum Romanum; http://www.digitales-forum-romanum.de/gebaeude/caesartempel/ (cf. Muth's discussion) shows and discusses the Temple to Divus Julius, including the sources; Weinstock 1971: 364-365 discusses the origin of the cult of Divus Julius, including the shrine; Koortbojian 2013 is throughout concerned with the origins of the cult and therefore also the shrine.

49 Purcell 1993: 336; Bartz (digitales forum romanum s.v. *rostra augusti*).

50 Weinstock 1971: 355-365. On Amatius or 'Marius', see Cic. *Att.* 14.6.1 (SB 360); Nic. Dam. 14.31-37; Val. Max. 9.15.1; App. *B Civ.* 3.3 with discussion in Cowan 2009; Welch 2012: 127-128.

51 Alföldi 1975: 175-176.

altar to Caesar in front of the Regia,[52] essentially in the same place as the *columna* discussed by Weinstock and perhaps the same monument, although the nature of this monument is unclear in the sources. Koortbojian thinks there are three possible statues (not monuments) of Julius Caesar possible in the forum and all on the new *rostra* at the north-western end of the forum: a statue to Caesar as saviour of the citizens, a statue to Caesar as saviour of the state, and the statue to Caesar set up by Marcus Antonius shortly before October 44 BC and inscribed *parenti optime merito*.[53] He argues the latter to be most probable because it would allow Octavian "to signal his distinctive relationship to Caesar, whom he considered his *pater*."[54] I would add that Octavian could not gesture to the statue of Caesar he himself set up because it was placed in the Temple of Venus Genetrix in the partially built Forum of Caesar, which was obscured by Basilica Aemilia and the (restored) Curia.[55] Sumi also considers these statues on the new *rostra* (two in total, not three), but argues that the statue on the altar fitted better with Octavian's messages on the day.[56]

If indeed there was, at this point in time, a column crowned by a statue of Caesar at the spot of Caesar's murder,[57] it seems to me more likely that Octavian would gesture to this statue than to the other statues on the new *rostra* at the other end of the Forum. First of all, it would be closer and therefore easier to see for the crowd. Second, Cicero says explicitly that Octavian gestured with his right hand (*dextra*), which would make it more natural to gesture towards the right, whereas a gesture towards the new *rostra* on his left, standing on the steps of the Temple of the Dioscuri, would be more awkward.[58] Finally, Octavian's rivalry with Antonius in the autumn of

52 Sumi 2005: 162, 165-166.

53 Statue and inscription: Cic. *Fam*. 12.3.1 (SB 345); Koortbojian 2013: 37-38, without giving the ancient evidence of these statues, but Weinstock 1971: 163-174 discusses these.

54 Koortbojian 2013: 38.

55 See the helpful map in Davies 2017: fig. 7.13, p. 268.

56 Sumi 2005: 165-166.

57 Suet. *Iul*. 85 does not say when the column in Numidian marble was erected, only that it stood for a long time.

58 Sumi 2005: 167-68 discusses Octavian's possible attire: whether military (*paludamentum*) or civil (*toga*), and obliquely seems to argue for the former on the basis of the reaction of the crowd as described in Appian. It seems to me not at all clear, but that wearing a toga would mean that Octavian's right hand would be free for gesturing while the left was likely wrapped in the toga in the traditional way. Gaius Sempronius Gracchus had freed his left hand from the toga to gesture (Plut. *Ti. Gracch*. 2.2; Dio Cass. 25.82.2 with

44 BC – their courting of Caesar's veterans, their speeches in Rome, and Antonius' erection of the statue of Caesar on the new *rostra* – would make a gesture towards Antonius' statue of Caesar odd: rather than seemingly overriding Antonius' relationship with Caesar, as suggested by Koortbojian, it would remind the crowd of Antonius' relation to Caesar and legal position of power. This was clearly not in Octavian's favour.

Second, we must ask what the gesture towards the statue meant. It seems obvious that Octavian wanted to make a physical gesture to underline his relation to Julius Caesar which, we must assume, he also expressed in words. But the gesture could also have had further symbolic meaning if Octavian was suggesting that he was not only reaching out but also about to touch the statue: physical contact with an object could suggest ownership in a legal context and ritual force in a religious context.[59] By reaching out, Octavian could therefore also have indicated that the legacy of Julius Caesar, including the loyalty of his soldiers, was his to own and continue.

This interpretation of Octavian's gesture assumes careful orchestration of the event. The place, timing and content of his speech support this assumption: apart from the position close to the impromptu cremation of Caesar where the people honoured the dead dictator and erected the column pulled down by Dolabella, holding a *contio* on the steps of the Temple of the Dioscuri was associated with the *equites* (including the *transvectio equitum* passing by the temple) and military victory.[60] Moreover, the place might by November 44 BC be associated with an anti-Antonian message because of Antonius' and Dolabella's violent reaction to Amatius and his column; Appian, at least, suggests that the people loved Amatius and were enraged with the destruction of the column and the summary execution of Amatius. It is unclear who chose the location but both Cannutius and Octavian could reap advantages from it. The timing seems also to be deliberate: Antonius had left Rome on 9 October to meet the Macedonian legions at Brundisium and raise new veteran legions

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David 1983: 107-108 and van der Blom 2016: 92), but we need not assume that Octavian did the same.

59 Corbeill 2005: 163-166; Cavallero 2018: 124-125. I owe this idea to F. Marco Simón.

60 Sumi 2005: 164-165 argues that the temple held associations of contentious meetings, voting and magistrates entering office. This may be true, but it seems to me that the associations with the *equites* and victory would have been more evocative for the messages conveyed at this *contio*.

in Campania.[61] Octavian's tour of the countryside to convince Caesarian veterans and local communities to join up with him ended with his return to Rome in early November. By 11 November, we learn from Cicero that Atticus, and therefore presumably others in Rome, knew that Antonius was about to return to Rome.[62] Antonius convened a meeting of the senate on 24 November (then postponed to 28 November because the Martian legion defected to Octavian), and will therefore have been in Rome by then.[63] It is therefore possible that news about Antonius' anticipated arrival in Rome made Octavian (and possibly Cannutius) decide to go ahead with the *contio* to avoid an open confrontation with the more politically and, still, militarily powerful consul, and to maximise the impact on the urban audience of Octavian's recruitment tour through the Italian countryside. The presence of his soldiers flanking the temple steps underlined the seeming success of his tour and the 'encouragement' to join up with him, and therefore also the orchestration of the event.

Finally, the paraphrase or snippet of Octavian's speech preserved in Cicero's letter is ambiguous in a way which also suggests careful planning: *iurat ita sibi parentis honores consequi liceat et simul dextram intendit ad statuam* – 'He swears as far as he is permitted to attain his parent's honours and stretches out his hand to the statue at the same moment.' But, as Koortbojian says,[64] *honores* could mean both the special honours given to Caesar (both during his lifetime and posthumously) and Caesar's magistracies. While Koortbojian decides on the latter interpretation, I think Octavian could have been deliberately ambiguous so as not to appear outrageously overambitious while leaving the option open of taking up Caesar's special honours. That formulation, together with his gesture, was clearly not accidental.

This interpretation of the orchestration assumes that Octavian knew what he was doing and masterminded the event, with some help from Cannutius who also saw mileage in this set up. Although most scholars are in no doubt that the now nineteen-year old was as cunning as he was when Augustus, Alföldi and Welch have argued that Oppius and Balbus operated behind the scenes, more or less steering Octavian around from his arrival in

61 Cic. *Fam*. 12.23.2 (SB 347).
62 Cic. *Att*. 16.14.2 (SB 425).
63 Cic. *Phil*. 3.19-20.
64 Koortbojian 2013: 37-38.

Italy in spring 44 BC onwards.[65] Cicero's letters do suggest that both men were extremely well informed, acted as conduits of news between a wide range of senators and other political operators, and that they involved themselves with Octavian, too.[66]

In Cicero's letter about Octavian's *contio* speech in November, he goes straight on to mention Oppius' appeal to Cicero to embrace Octavian, his cause and his veterans – as we have seen – and I have offered the suggestion that Oppius' visit was timed to come shortly after Cicero received the written version of the speech. We cannot know for certain the relationship between Octavian, Balbus and Oppius, but we can imagine a spectrum of possibilities: from Balbus and Oppius steering Octavian around, or Octavian first being steered around but quickly learning how use the support of Balbus and Oppius to his own advantage, to Octavian using Balbus and Oppius to do his bidding. In any case, all three men saw advantages in working together as long as they shared the same opponent, Antonius, and the same objective of power.[67] It is not difficult to see the three of them planning the *contio*, to some extent in collaboration with Cannutius, in order to emphasise Octavian's claim to rise to the honours of his adoptive father in words, gesture and setting.

Octavian's speech was not entirely successful, if we are to believe the later sources (Cicero's letters to Atticus end here and his later letters to friends do not help): Appian suggests that Octavian did not manage to convince the veterans to follow him and that he gave them further gifts at a later *contio*, even if disappointed with their lack of support,[68] while Dio argues that Octavian was praised by the crowd and his supporters.[69] In any case, Octavian did not achieve his end of *honores* or support against Antonius as a result of this *contio*, but it was one of the ways in which he could build up a narrative

65 Alföldi 1975: 31-54; Welch 1990: 64; both scholars address the actions and experiences of Oppius and Balbus in a wider perspective, especially in relation to Julius Caesar.

66 Evidence from the death of Caesar to early June provided here, although further letters of Cicero show their continued involvement: Cic. *Att.* 14.1.1 (SB 355, 7 April 44), 14.9.3 (SB 363, 17 April), 14.10.3 (SB 364, 19 April), 14.11.2 (SB 365, 21 April), (14.12.2 (SB 366, 22 April): many around Octavius), 14.21.2 (SB 375, 11 May), 15.2.3 (SB 379, 18 May), 15.4a (SB 382, 23 May), 15.5.2 (SB 383, 27 or 28 May), 15.8.1 (SB 385, 31 May), *Fam.* 16.23.1 (SB 330, end May), *Att.* 15.6.4 (SB 386, ?2 June), 15.9.1 (SB 387, 2 or 3 June).

67 Cicero did not trust Balbus' attempt at appearing on friendly terms with Antonius in May 44: Cic. *Att.* 14.21.2 (SB 375, 11 May): *nihil sinceri* – 'nothing sincere'.

68 App. *B Civ.* 3.42.172.

69 Dio Cass. 45.12.6.

about himself and his position. This occasion shows Octavian making the most of a public speech event to communicate his message and build up a public persona. Unlike Antonius, who as consul could call a meeting of the senate or a *contio* whenever he wished, Octavian had to find alternative means to address a public audience in the City of Rome, and Cannutius' *contio* was a welcome one at a crucial point in his mobilisation of Caesar's veterans and subsequent claim for support from Cicero and the senate.[70]

4. The reception of Octavian's speech and oratory

The ancient reception of Octavian's *contio* speech is typical of the general reception of his Triumviral oratory in some respects and unusual in other respects. The descriptions of the speech in the narratives of Appian and Dio reflect their general interest in covering main events in Roman history and the detailed focus on the Triumviral period, and their discussions seem not to differ from their discussions of other speeches by Octavian or most other politicians of the period.[71] Unusual, however, is the quotation from the speech in Cicero, which appears genuine because Cicero had received a written version of the copy. Since we know a written version existed, we must ask whether the later narrators of the *contio* read it? Nicolaus of Damascus does not appear to have read it because he does not even mention the *contio* specifically. We know from modern comparisons between their versions and still extant speeches that Appian and Dio sometimes read written versions of speeches.[72] Octavian's speech has not survived, making a check impossible, but the discrepancies in their depictions of Octavian's message suggest that they did not directly use a written version of his speech.

Judging from the way in which the sources refer to Octavian's speech and its absence from those later authors who were interested in language, such as Gellius, we might conclude that the written version did not survive for long in antiquity. Written versions of speeches tended to survive when people were interested in them, whether for contemporary, historical, biographical,

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70 As did the *contio* convened by tribune L. Antonius in May 44 BC where Octavian spoke: Cic. *Att*. 14.20.5 (SB 374), 14.21.4 (SB 375), 15.2.3 (SB 379).

71 Gowing 1992: 240 suggests that Appian's depiction of Octavian's speeches – number and flavour – reflects his general favour of Antonius over Octavian.

72 Gowing 1992: 225-245 on Appian's and Dio's use of speeches; Burden-Strevens 2015 on Dio's use of Cicero's speeches.

educational, linguistic, political or other purposes.[73] In that perspective, Octavian's speech was perhaps not interesting enough because there were better and more significant speeches later in his career; certainly, Suetonius, in his very long biography, does not mention this speech even if he does include mention of Octavian's oratory.[74] Another possibility is that Octavian/Augustus himself decided to stop or limit the circulation of the speech. We know that he curated some of the written speeches of Julius Caesar, apparently for political purposes,[75] and that he was generally very careful in presenting his early career in the most favourable light, omitting elements and putting a spin on others.[76] If he thought, at a later stage, that his early *contio* speech contained something unhelpful, it would seem in character that he would use his powers and influence to limit any potential damage.

Scholars have suggested that the loss of the correspondence between Cicero and Octavian was not accidental, and that may be right.[77] This makes the survival of Cicero's last letter to Atticus with its unfavourable description of Octavian and his *contio* speech the more remarkable. Presumably, it was beyond the control of Augustus or perhaps its assessment was not as unfavourable in comparison with other Ciceronian descriptions of Octavian or with other exchanges between them. While the letter was left for posterity, the speech itself was not.

If Augustus did indeed ensure the disappearance of the written version of his *contio* speech, as he tried to do for some of Julius Caesar's speeches, it reflects a wider characteristic of his oratorical record in the late republican and Triumviral periods (51-30 BC). What we have are testimonia about formal

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73 Historical purposes such as illustrating great historical events, biographical purposes such as illustrating the character of the portrayed, educational such as examples of good Latin (as were the speeches of Cicero and Julius Caesar), linguistic purposes such as showing correct Latin (for which Julius Caesar's speeches were used).

74 Suet. *Aug.* 10 which covers autumn 44 and spring 43 BC does not mention the *contio*; Suet. *Aug.* 84, 86-87 discusses Octavian's/Augustus' oratory: education, speeches and style.

75 Suet. *Iul.* 55-56 with Spahlinger 2003 and van der Blom (forthcoming).

76 The *RGDA* is one such exercise of control (Cooley 2009), and his now fragmentary memoirs represent another attempt (Smith 2009; 2014). For Augustus' careful self-presentation, see Levick 2010: 202-250 and throughout.

77 Nicholson 1998: 85-86; Keeline 2018: 109. Augustus' tactics for dealing with the delicate matter of his betrayal of Cicero in the proscriptions was an apologetic tone in his memoirs (Powell 2009; Smith 2014, vol. I, 462; vol. III, 539-540).

speech occasions – Julia's funeral, festivals, civil and military *contiones* and senate meetings – and a few informal occasions such as his pleading on behalf of friends in front of Julius Caesar when very young.[78] Some of these testimonia are directly affected by Augustus' version of the events, such as Nicolaus' biography which was influenced by Augustus' memoirs and is evidently positive in its presentation of the young Octavian. Cicero's letters and speeches were more difficult to curate simply because they were in circulation independently before Augustus was in full control, except perhaps for Octavian's direct correspondence with Cicero.[79] The most interesting, yet unanswerable, question is the extent to which Augustus influenced the oratorical record of his younger self as reported in imperial period sources such as Suetonius, Appian and Dio. While Suetonius gives us glimpses into informal speech exchanges of Julius Caesar which highlights the limitation of Augustus' curation of his adoptive father's speeches, we have less of that in his biography of Augustus.[80] Whether this is a result of Octavian's/Augustus' censure, the self-censure of his contemporaries, or later selectivity among citing authors, is difficult to know. Appian's translation of a set of speeches included in Augustus' memoirs testifies to the fact that he read that text, but his account is not otherwise clearly positive towards Octavian and he must have used other sources, too, as must Dio. Augustus provided his own version of his own Triumviral narrative and may have tried to limit circulation of or replacing written speeches and make people forget some of his less flattering speech acts of the Triumviral period, but he could not fully control the stories about his public speeches.

5. Conclusion

In spite of these limitations in our knowledge of Octavian's speeches in the Triumviral period, we have enough reliable material to conclude that Octavian, from his teenage years, was aware of and able to exploit the power of public speech. He (and his advisers) understood how to combine short-

78 See the table of Octavian's oratorical record below. Pleading for friends: Nic. Dam. 16, 18, 27 with Toher 2017: 193, 211-212.

79 Cornelius Nepos' biography of Atticus (16.3) testifies to the fact that he could read a collection of 16 books of Cicero's letters to Atticus in the 30s BC. See discussion in White 2010: 31-34.

80 Caesar's informal speech occasions: Suet. *Iul*. 22.2, 49.3 with discussion in van der Blom (forthcoming).

term and long-term aims in one speech, such as getting the veterans or the people on his side and using these as leverage for and legitimisation of his own aims and actions, as well as building up his public persona as heir and avenger of Julius Caesar, as a Triumvir to be reckoned with, and as the more 'Roman' when compared to Antonius. He also used public speech to turn what could be seen as a disadvantage – managing the problematic Italian peninsula rather than leading armies in the profitable East – into an advantage by making full use of the venues for public speech when in Rome to influence popular opinion and further his own agenda. Because military and political decisions partly depended on the support of soldiers and the people, the Triumvirs (and their elite peers) needed to prioritise communication on a large scale. Public speech mattered in the Triumviral period.

When we look at the reception of Octavian's oratory, we see Octavian the politician and the general, but not Octavian the advocate – as we do for Julius Caesar – because the sources reflecting a pro-Octavian narrative presents him as in control (e.g. *Res Gestae* and Nic. Dam.). One wonders how he spoke at the one-day tribunal to try the conspirators in August 43 BC.[81] In the oratorical record and its reception, we see two personae: Octavian the just and Octavian the cruel. How far Augustus tried to limit the second is difficult to know with certainty, but the sources to his speeches could clearly access both. What is striking is not that the negative aspects of Octavian's rise to power remains reflected in our records of his oratory, but rather that we do not have more details of his speeches overall, whether reflecting positively or negatively on Octavian. In light of his route to power and overwhelmingly important position at the time and in Roman history, the meagre oratorical record – especially compared with that of Julius Caesar – is in my view an indication of Augustus' curatorial attitude to his own past, also in terms of the speeches he delivered in public. In this way, Octavian's oratory and its reception add a further element to our understanding of his rise to power, and his efforts to control his image when he had become Augustus and for posterity.[82]

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81 As a result of the *Lex Pedia*: *RGDA* 2; Vell. Pat. 2.69.5; Suet. *Aug.* 10.1; App. *B Civ.* 3.95; Dio Cass. 46.48-49 with discussion in Welch 2014/2018.

82 I should like to thank Francisco Pina Polo for the invitation to the excellent conference on the Triumviral period at which this chapter was originally delivered, and the participants in the conference for helpful questions and comments. In particular, Kathryn Welch and Francisco Marco Simón offered many insightful suggestions, also on drafts of the written version, which sharpened my ideas and conclusions considerably.

TABLE

THE ORATORICAL RECORD OF C. JULIUS CAESAR OCTAVIANUS (51-30 BC)

Date	Place	Topic discussed	Source
51 BC	?	Funeral speech for grandmother Julia.	Nic. Dam. Ex. III (J 127=M 99 III) (4); Suet. *Aug.* 8.1; Quint. *Inst.* 12.6.1 (Pina Polo 1989, App. A, no. 337)
47 BC	Tribunal, Forum Romanum	A possible appointment to *dikaiodosia* by Julius Caesar during the Latin festival may have given Octavian opportunity to adjudicate and therefore to speak in public.	Nic. Dam. 13 with Toher (2017) 118-19.
45 BC	Saguntum, Hispania	Octavian successfully represented the Saguntines in a public hearing in front of Julius Caesar.	Nic. Dam. 27
45 BC (?August)	Janiculum, Rome	Returning from Hispania, Octavian addressed the young 'Marius' (Amatius).	Nic. Dam. 32
44 BC, shortly after 15 March	Apollonia, Illyria	Response to assembled Apolloniates requesting Octavian to stay in Apollonia.	Nic. Dam. 45
44 BC, May	Praetor's tribunal, Forum Romanum	Octavian publicly accepted Caesar's name and inheritance at the tribunal of urban praetor C. Antonius.	App. *B Civ.* 3.14
44 BC, May	*Contio,* Rome	Octavian spoke in a *contio* convened by tribune of the plebs L. Antonius, presumably announcing his acceptance of Caesar's name and inheritance.	Cic. *Att.* 14.20.5 (SB 374), 14.21.4 (SB 375), 15.2.3 (SB 379). (Pina Polo 1989, App. A, no. 355)
44 BC, late October/ early November	Calatia, Campania	Octavian addressed the people of Calatia alongside the Roman soldiers stationed there.	Nic. Dam. 136
44 BC, late October/ early November	Calatia, Campania	Local senators not persuaded; Octavian addressed them the following day, persuading them.	Nic. Dam. 136-137

44 BC, late October/ early November	Neighbouring settlement to Calatia, Campania	Octavian addressed the local townspeople, persuading them to provide an escort through other colonies on the way to Rome.	Nic. Dam. 137
44 BC, late October/ early November	Neighbouring settlement to Calatia, Campania	Octavian addressed the two legions stationed there, persuading them to provide an escort through other colonies on the way to Rome.	Nic. Dam. 138
44 BC, 10 November	*Contio,* steps of Temple of Castor and Pollux, Forum Romanum	Octavian spoke in a *contio* convened by tribune Ti. Cannutius, swearing to obtain the honours of his (adoptive) father.	Cic. *Att.* 16.15.3 (SB 426); App. *B Civ.* 3.41; Dio Cass. 45.6.3. (Pina Polo 1989, App. A, no. 360)
44 BC, November: shortly after preceding contio	*Contio,* possibly Forum Romanum	Octavian addressed the people assembled in the *contio,* providing them with gifts.	App. *B Civ.* 3.42. (Pina Polo 1989, App. A, no. 360)
43 BC	?Military *contio*	? Octavian addressed his soldiers.	App. *B Civ.* 3.65
43 BC, ?May-June	?Military *contio*	Octavian addressed the fugitives from the battle(s) at Mutina.	Dio Cass. 46.41.5
43 BC, August	?Military *contio*	Octavian addressed his legions between sending two embassies to the senate requesting the consulship.	App. *B Civ.* 3.86-88 (Pina Polo 1989, App. C, no. 123)
43 BC, poss. 19 August	Senate, Rome	Octavian (consul) addressed the senate after his march on Rome and thanked them for the consulship; possibly on the day of entering the consulship.	Dio Cass. 46.47.1 (Pina Polo 1989, App. C, no. 124)
43 BC, August	Military *contio*	Octavian addressed his soldiers, offering them money.	Dio Cass. 46.46.2, 46.47.1 (Pina Polo 1989, App. C, no. 124)
43 BC, August	Rome	Octavian (consul) presides over one-day trial and conviction of Caesar's murderers.	Plut. *Brut.* 27.4 (*Mor.* 996d); App. *B Civ.* 3.95; Dio Cass. 46.48-49
43 BC, autumn	Military *contio,* camp on the river Lavinus, near Bononia	Octavian (consul) read out the list of proscribed to the troops after the formation of the Triumvirate.	App. *B Civ.* 4.3; Dio Cass. 46.56.2. (Pina Polo 1989, App. C, no. 125)

43 BC, end	*Contio,* Rome	The Triumvirs announced the proscriptions.	Dio Cass. 47.13.4. (Pina Polo 1989, App. A, no. 369)
? (after the proscriptions)	Senate, Rome	Lepidus and Octavian speaking about the proscriptions in the senate.	Suet. *Aug.* 27.2
? (during Triumvirate). Wardle (2014) 209: plausible context in late 43 or 42 (*RE* XX, 1397).	Military *contio*	Octavian addressed his troops at a *contio* to which a group of civilians had been allowed entry, an *eques* Pinarius is suspected of spying and Octavian ordered him executed on the spot.	Suet. *Aug.* 27.3. (Pina Polo 1989, App. C, no. 127)
42 BC, October, around battles of Philippi	Octavian's and Antonius' camp, Philippi	Octavian (and Antonius) addressed their troops around the battles of Philippi.	App. *B Civ.* 4.119-20, 4.126-127; Dio Cass. 47.42.2-5. Cf. Suet. *Aug.* 13.1-2. (Pina Polo 1989, App. C, nos. 130, 132)
41 BC	? Military *contio,* Campus Martius	Possible formal speech occasion in reaction to the lynching of Nonius; Octavian addressed the assembled soldiers on the land allotments.	App. *B Civ.* 5.16
41 BC	Senate, Rome	Octavian apparently addressed the senate on land allotments to veteran soldiers and the need to confiscate private property.	App. *B Civ.* 5.28
41 BC	Senate, Rome	Octavian addressed the senate on the stand-off between himself and L. Antonius in Praeneste.	Dio Cass. 48.8.5
40 BC (before Perusia)	?	Octavian (and Antonius) criticised Ti. Cannutius for siding with consular Isauricus.	Suet. *De gramm. et rhet.* 28.1
40 BC, February	Military *contio,* Perusia	Octavian addressed L. Antonius after the surrender of Perusia and the speech of L. Antonius. Then Octavian addressed his own soldiers. Appian says he found the speeches in Augustus' memoirs.	App. *B Civ.* 5.45, 5.47
40 BC, ?February	? Court, Perusia	Octavian sat in judgement of many after the surrender of Perusia, apparently showing no clemency.	Suet. *Aug.* 15.1

40 BC	Rome	Octavian stirred up the colonists against Antonius.	App. *B Civ.* 5.53
40 BC	Senate, Rome	Octavian denounced Salvidienus Rufus.	Dio Cass. 48.33
36 BC	Military *contio,* Naulochus	Octavian addressed his mutinous troops after the battle of Naulochus.	App. *B Civ.* 5.128. (Pina Polo 1989, App. C, no. 136)
36 BC	Military *contio,* Naulochus	Octavian addressed his loyal soldiers immediately after addressing his mutinous troops.	App. *B Civ.* 5.129
36 BC, autumn	*Contio,* Rome outside pomerium	Octavian addressed the people of Rome, receiving and rejecting offered honours, remitting taxes and debts.	Dio Cass. 49.15. (Pina Polo 1989, App. A, no. 372)
36 BC, autumn, day after preceding	Senate and *contio* inside *pomerium,* Rome	Octavian addressed the senate and people about his achievements (at Naulochus), writing down his speeches and circulating them in written form.	App. *B Civ.* 5.130
33 BC (Pelling 1988, 252)	Senate and *contiones,* Rome	Octavian presenting and criticising the actions of Antonius and Cleopatra in regular meetings of the senate and *contiones.*	Plut. *Ant.* 55.1 (*Mor.* 941c); Dio Cass. 50.2
33 BC (Pelling 1988, 252)	? Senate and *contiones,* Rome	Octavian responding to Antonius' criticism, presumably again in meetings of the senate and *contiones.*	Plut. *Ant.* 55.4 (*Mor.* 941d-e); Dio Cass. 50.2
32 BC, 1 January	Senate, Rome	Octavian criticised Antonius and Sosius, sitting on his curule chair between the consuls.	Dio Cass. 50.2-3
32 BC	Senate, Rome	Octavian has Antonius' will seized from the Vestals and read out in the senate.	Plut. *Ant.* 58.6-58.8 (*Mor.* 942f-943a); Dio Cass. 50.3
32 BC	*Contio,* Rome	Octavian read out Antonius' will in a *contio.*	Suet. *Aug.* 17.1; Dio Cass. 50.3. (Pina Polo 1989, App. A, no. 374)
31 BC	Military *contio,* camp at Actium	Octavian addressed his troops before the battle of Actium.	Dio Cass. 50.23-30. (Pina Polo 1989, App. C, no. 138)
30 BC	*Contio,* Alexandria	Octavian addressed the Alexandrians, assuring them that he would spare them.	Plut. *Ant.* 80.2-3 (*Mor.* 952f-953a); Dio Cass. 51.16

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INFORMATION EXCHANGE AND POLITICAL COMMUNICATION IN THE TRIUMVIRAL PERIOD: SOME REMARKS ON MEANS AND METHODS

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> Some, who were able to do so, fled to Cassius, or to Brutus, or to Africa, where Cornificius upheld the republican cause. The greater number, however, went to Sicily because of its nearness to Italy, where Sextus Pompeius received them gladly. The latter showed the most admirable zeal in behalf of the unfortunate at this crisis, sending heralds (κήρυκάς τε περιπέμπων) who invited all to come to him, and offered to those who should save the proscribed, both slaves and free persons, double the rewards that had been offered for killing them.[2]

1. The features of a new era

The crucial role of information exchange and political communication during the tumultuous period of the Triumvirate hardly needs to be stressed. The passage quoted above provides just one example of the intensity of this sort of practice, which at times involved the use of heralds to convey invitations and proposals. Indeed, the circulation of information and the subsequent arrival of updates and reports acted as a key factor in the decision-making process.[3] Literary sources – and Cassius Dio in particular – systematically

1 Research Project: "La expresión diplomática en el Mediterráneo central y oriental bajo la expansión romana: el regalo en su contexto político e institucional (siglos III-I a.C.)", PGC2018-096415-B-C22 (coordinado con C21), Agencia Estatal de Investigación, Ministerio de Ciencia, Innovación y Universidades, Gobierno de España/FEDER.

2 App. *B Civ.* 4.36. All sources quoted from Loeb edition and translation.

3 Achard 1991; Rankov 2006; Pina Polo 2017; Rosillo-López 2017a; Tiersch 2018.

show a cause-and-effect relationship between communication and decision-making. The actions of both rivals after L. Antonius occupied Rome allows us to identify the process, which began with learning information and ended with the making of a decision:

> So, on ascertaining this (πυθόμενος), Caesar left Quintus Salvidienus Rufus to look after the people of Sentinum, and himself set out for Rome. Now when Lucius learned of this (μαθὼν), he withdrew before Caesar's arrival.[4]

Thus, we must acknowledge that the dissemination of news and the sharing of sensitive information were two ways of demonstrating a *bona fides* relationship. In Plancus' words,

> At any rate you possess a greater proof of my affection *(testimonium amoris mei)* in my desire that my fears should be known to you earlier than to the rest *(maturius tibi quam ceteris consilia mea volui esse nota)*.[5]

Of course, in the context of a civil war there were notable irregularities throughout all levels of society,[6] which affected the rhythms and the very nature of news circulation. In particular, traditional diplomatic practices were strained. So much can be gleaned from Cicero, who devotes the entire first section of his fifth *Philippica* to this very issue. Traditional aspects of *ius belli*, which had been developed to deal with external enemies, were not easily adapted to a conflict between citizens. So the Orator resorts to tropes of external warfare when stressing the illegitimacy of peace negotiations (*legatos vero ad eum mittere*) in which the foe had not previously surrendered (*arma deponat, roget, deprecetur*); he even compares Antonius' crimes with those perpetrated by some textbook examples of Rome's external foes, namely Hannibal.[7] Additionally, Cicero underscores the political and juridical

4 Dio Cass. 48.13.4-5. In general, on Cassius Dio and Appian narratives, see Gowing 1992.

5 Cic. *Fam*. 10.9.1, Plancus to Cicero. I owe this reference to Cristina Rosillo.

6 "Nor was there ever such fury and daring (ὁρμῇ καὶ τόλμῃ) in war as here, when citizens contended against citizens, families against families, and fellow-soldiers against each other" (App. *B Civ*. 4.137, cf. 5.17; 120). Additionally, many elements common to conventional war are mentioned, such as captured military insignia: *Aquilae duae, signa LX sunt relata Antoni; res bene gesta est* (Cic. *Fam*.10.30.5); furthermore, we should note the (intentionally moderate) lending of resources to the services of foreign kingdoms (App. *B Civ*. 4.133; *cfr*. App. *B Civ*. 4.54; 63; 82; 5.7; 5.26). See Arena in this volume.

7 Cic. *Phil*. 5.3.

violation of custom (*formam rei publicae, iura belli, exempla maiorum*) that involved the despatch of a *legatio* to a Roman citizen with the request that he not attack his own homeland.[8] Both of these aspects were later taken up by Cassius Dio, who echoes Cicero's arguments regarding the inadequacy of peace negotiations with citizens who were considered to be wrongdoers and lawbreakers.[9] These recriminations are to be understood in the context of a new era defined by a general debasement of the institutions of political interaction and diplomacy. The role of soldiers as envoys to the senate[10] and even the presence of an armed centurion acting as *princeps legationis*[11] are just two examples of these striking anomalies.

2. Orality and the written word in political intercourse

Within the context of the Triumviral period, I shall pay particular attention to the relationship between orality and writing in political interaction and communication,[12] before concluding with a discussion of the spaces and scenarios used for negotiation.

a) The written material

Literary evidence for the Triumviral period is characterized by an overabundance of references to writing, both in public and private. Agreements among rivals were made official once put into writing, sealed and exchanged. Accordingly, when detailing the negotiations that followed Philippi in 42 BC, Cassius Dio indicates the following:

> After making these agreements by themselves, putting them in writing, and sealing them (γράψαντες καὶ κατασημηνάμενοι), they exchanged copies of the documents (γραμματεῖα), to the end that, if any transgression were committed, it might be proved by these records.[13]

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8 Cic. *Phil*. 5.25; 27: *ad nostrum civem mittimus, ne imperatorem, ne coloniam populi Romani oppugnet*.

9 Dio Cass. 45.43.3; also see 44.1; 46.35.5, for Young Caesar's similar regrets.

10 Dio Cass. 46.42.4-43.1.

11 Suet. *Aug*. 26.1.

12 For the relationship between orality and literacy, see Scodel 2014; Rosillo-López 2017b focussed on public opinion and orality.

13 Dio Cass. 48.2.4.

Similarly, the veterans gathered at the Capitolium in order to push through the ratification of the agreement between Young Caesar and Antonius recorded the resolution on tablets and sealed them (ἐς δέλτους γράψαντες καὶ κατασημηνάμενοι). In this particular case, the Vestal virgins were bestowed with the responsibility of guarding these documents.[14] Indeed, the role of the Vestals in guaranteeing the integrity of legal records is also attested in several other instances during this same period. Regarding the pact of Misenum, (39 BC), Appian writes:

> Such were the terms of the treaty, to which they attached their names and seals (ταῦτα συνεγράψαντο καὶ ἐσημήναντο) and sent it to Rome to be placed in the custody of the Vestal virgins.[15]

In a similar vein, the breaking of an agreement was marked by the withdrawal of the documents, as was the case with Young Caesar after the violation of the aforementioned agreement.[16]

Along with the key role of writing in the formalization and preservation of agreements, literary sources allow us to assess the significance of pamphlets and leaflets as a means for disseminating political propaganda, a strategy that worked in concert, of course, with the spread of oral rumours, as Rosillo-López has shown.[17] Attempts to encourage desertion and increase demoralization constituted strategies employed by different parties in the conflict. Accordingly, Appian asserts the following about Young Caesar:

> He sent certain persons in the guise of traders into Antony's camp to mingle with the soldiers, to work upon the boldest of them, and secretly distribute handbills (βιβλία) among the rank and file.[18]

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14 Dio Cass. 48.12.2.

15 App. *B Civ*. 5.73, cf. Dio Cass. 48.37.1 on the pact of Misenum. Cf. also the case of Augustus' last will: *Testamentum L. Planco C. Silio cons. III. Non. Apriles, ante annum et quattuor menses quam decederet, factum ab eo ac duobus codicibus partim ipsius partim libertorum Polybi et Hilarionis manu scriptum depositumque apud se uirgines Vestales cum tribus signatis aeque uoluminibus protulerunt. quae omnia in senatu aperta atque recitata sunt* (Suet. *Aug*. 101.1).

16 "Now when Caesar learned of this, he took the documents containing the treaty from the Vestal Virgins (ὁ οὖν Καῖσαρ μαθὼν τοῦτο τά τε γραμματεῖα τὰ τῆς συμβάσεως ἀνείλετο παρὰ τῶν ἀειπαρθένων) and sent for Antony and Lepidus" (Dio Cass. 48.46.1-2).

17 Rosillo-López 2017b; 2019. For ideological and semantic aspects as well as "propaganda," see Scott 1933; Wallmann 1989; Rosillo-López 2018; Tiersch 2018.

18 App. *B Civ*. 3.31, 44 BC.

And conversely, Antonius' leaflets were thrown into Caesar's camp, according to Cassius Dio:

> Encouraged by this success, and because he had shot arrows into Caesar's camp carrying leaflets (βιβλία) which promised the men six thousand sesterces, he joined battle also with his infantry and was defeated. For Caesar of his own accord personally read the leaflets to his soldiers, at the same time reviling Antony and trying to turn them to a feeling of shame for the suggested treachery and of enthusiasm for himself.[19]

Written propaganda was not only aimed against enemies, but also used as a means to redouble the thrust of one's own speeches and to increase the dissemination of political messages, as Young Cesar did after Lepidus' submission in 36 BC:

> The next day he made speeches to the Senate and to the people, recounting his exploits and his policy from the beginning to the present time. These speeches he wrote down and distributed in pamphlet form (καὶ τὰ εἰρημένα συγγράψας τὸ βιβλίον ἐξέδωκε).[20]

When dealing with written documentation during the Triumviral Age, the ubiquity of epistolary contacts stands out as a striking feature.[21] We must wonder, first of all, if this was a phenomenon that was truly characteristic of this period, which was marked by distress and turbulence; however, we must also ask whether we should interpret this apparent superabundance of letters as a result of the preservation of Cicero's works and correspondence. This is to say, the risk of incurring in a "positivist fallacy" casts its shadow on our approach to the literary evidence pertaining to this particular period. In any event, we should acknowledge that the particular situation of political crisis and personal insecurity fuelled the need for both public and private communication in the form of messages and letters.

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19 Dio Cass. 51.10.2-3. Cf. Cic. *Fam*. 415.4, with perpetuation of such practices later on under Augustus. "Even when some infamous libels (*famosos libellos*) against him were dispersed in the senate-house, he was neither disturbed, nor did he give himself much trouble to refute them. He would not so much as order an inquiry to be made after the authors; but only proposed, that, for the future, those who published libels, or lampoons (*libellos aut carmina*), in a borrowed name, against any person, should be called to account" (Suet. *Aug*. 55).

20 App. *B Civ*. 5.130.

21 Ducos 2008; White 2010.

A survey of this material permits us to identify a series of common trends. In the first place, we must note the pervasive suspicion of forgery, obviously linked with the difficulty of determining the authenticity of texts in the Antiquity.[22] The falsification of letters was quite frequent during the Triumviral period. Cassius Dio provides an example regarding Caecilius Bassus:

> So after this he forged a letter (γράμματά τινα συνέπλασεν), which he pretended had been sent to him by Scipio, on the basis of which he announced that Caesar had been defeated and had perished in Africa and claimed that the governorship of Syria had been assigned to him.[23]

Suspicion is also palpable in other examples, such as the case of the letter handed out to the Senate by Manius, Antonius' agent. Appian offers an ambiguous assessment:

> Manius showed a letter of Antony's, either true or fictitious (ὁ δὲ Μάνιος καὶ ἐπιστολὴν ἐδείκνυε τοῦ Ἀντωνίου, εἴτε πλασάμενος εἴτε ἀληθῆ).[24]

When in doubt, the analysis of handwriting was used as a proof – or at least a hint – of the genuineness of a given document.[25] Moreover, writing a letter in one's own hand (instead of employing a scribe) was seen as an assertion of intimacy and political trust, as suggested in Cicero's correspondence:

> What I wrote to you with my own hand (*mea manu*) in my last letter is only what people are saying with the object of intimidating you.[26]
>
> But Laterensis, a man of unimpeachable character, sends me a letter in his own handwriting (*suo chirographo*), in which he despairs of himself, the army, and Lepidus's honesty, complains that he has been left in the lurch, and frankly warns me to be on my guard against being imposed upon […][27]

It was clear, though, that the genuine nature of a handwritten document could not guarantee the sincerity of the author's intentions[28] and, thus, readers

22 Culham 1996.

23 Dio Cass. 47.26.6.

24 App. *B Civ*. 5.29.

25 On the importance of handwriting, see Guillaumont 2006. Cf. García Riaza 2019 on mid-republican practices in the context of war.

26 Cic. *Fam*. 11.23.2, Brutus to Cicero.

27 Cic. *Fam*. 10.21.3, Plancus to Cicero.

28 "So, Plancus has reasonable doubts about Lepidus' inclinations: I shall entrust the delivery of all the originals, both those I considered genuine and those I did not think should be relied upon (*ipsa chirographa omnia, et quibus credidi, et ea quibus fidem non habendam*

had to rely on additional hints, such as the reports and personal impressions of witnesses:

> I [Plancus] put my trust in his [Lepidus'] autograph letters (*credidi chirographis eius*), and the personal protestations (*affirmationi praesentis*) of Laterensis, who was staying with me at the time, and kept begging of me to be reconciled to Lepidus, and put my faith in him.[29]

The issue is further complicated when it comes to analysing a signature's authenticity, as suggested by Appian in a discussion of Plancus and Antonius.[30]

Along with issues regarding authenticity, the personal and collective insecurity that characterized the Triumviral Era further contributed to an increasing concern about the interception of messages and letters. Cassius Longinus states so much in a letter addressed to Cicero:

> But if no letter has reached you (*si litterae perlatae non sunt*), I have no doubt that Dolabella, who, since his abominable murder of Trebonius, has overrun the Asian provinces, has arrested my letter-carriers and intercepted my despatch (*tabellarios meos deprehenderit litterasque interceperit*).[31]

Indeed, we can identify many different references in literary sources to the risk of interception, sometimes by means of the detainment (*retinere*) of letter carriers and the searching (*excutio*) of messengers.[32] Writing from Corduba, Asinius Pollio mentions the extraordinary difficulties that plagued letter carriers travelling to Rome from Hispania Citerior. Normal concerns

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putavi), to Laevus Cispius, who has been engaged in all these transactions" (Cic. *Fam*. 10.21.4, Plancus to Cicero).

29 Cic. *Fam*. 10.21.1, Plancus to Cicero.

30 "Some say that Plancus, not Antony, gave this order. They think that Plancus, while governing Syria, had been authorized through letters to sign Antony's name in urgent cases and to use his seal (ταῖς ἐπιστολαῖς ἐπιτετραμμένον ἐς τὰ ἐπείγοντα ἐπιγράφειν τὸν Ἀντώνιον καὶ τῇ σφραγῖδι χρῆσθαι). Others think that it was written by Plancus with Antony's knowledge, but that the latter was ashamed to write it on account of the name Pompeius, and because Cleopatra was favourable to him on account of Pompey the Great [...]" (App. *B Civ*. 5.14.144).

31 Cic. *Fam*. 12.12.1, Cassius Longinus to Cicero.

32 "In addition to this, it was impossible for letters to reach their destination; there are scores of places where they are tinned inside out (*excutiuntur*); and then the carriers also are detained (*retinentur*) by Lepidus" (Cic. *Fam*. 10.31.4, Asinius Pollio to Cicero); "Lepidus, who detained my letter-carrier for nine days, was the cause of the long delay in my being informed of the battles fought near Mutina (*qui meos tabellarios novem dies retinuit*)" (Cic. *Fam*. 10.33.1, Asinius Pollio to Cicero).

were compounded by the rough terrain of the Saltus Castulonensis and the region's endemic banditry, which entailed a further challenge to the already risky duty of messengers. This helps explain the preference for sending messages by sea:

> You ought not to think it in the slightest degree surprising that I have not written at all about public affairs since the outbreak of hostilities. For though it is true that the pass of Castulus, which has always held up our letter-carriers (*saltus Castulonensis, qui semper tenuit nostros tabellarios*), has now become more dangerous than ever owing to the increase in brigandage (*etsi nunc frequentioribus latrociniis infestior factus est*), it is nothing like so great a cause of delay as are the scouts, who, posted everywhere on both sides, search our letter-carriers and detain them. So had not a letter reached me by sea (*nave perlatae litterae essent*), I should be in absolute ignorance of what was going on at Rome. But now that I have the opportunity, the sailing season having begun, I shall write to you with the greatest gusto, and as frequently as I can.[33]

When the tables were turned, however, such a danger could become an opportunity, since one could hope to capture enemy messengers and gain access to the important political and/or military intelligence that they carried. A letter from Lentulus addressed to the Senate makes this explicit:

> And the reason I tolerated such a humiliating degradation not only of my own jurisdiction, but also of the majesty and imperial power of the Roman people was this – I had discovered from an intercepted despatch (*quod interceptis litteris cognoramus*) [...][34]

Likewise, Antonius' letters were intercepted and used by Brutus, as we learn from both Cicero and Cassius Dio:

> [H]e has not yet given up hope even as regards Plancus, as I observe in some note-books of his which have fallen into my hands (*ut ex libellis eius animadverti, qui in me inciderunt*), those in which he wrote the names of the men he was sending to Asinius, to Lepidus, and to Plancus.[35]
>
> This, however, they were unable to do; for Brutus had learned beforehand from some intercepted letters what was to be done (ἐκ γραμμάτων τινῶν ἁλόντων προμαθὼν) and by putting him [Antonius] into a covered litter, on the pretence that he was moving a sick man, got him out of the way.[36]

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33 Cic. *Fam*. 10.31.1, Asinius Pollio to Cicero.
34 Cic. *Fam*. 12.15.2, Lentulus to Rome.
35 Cic. *Fam*. 11.11.1, Brutus to Cicero.
36 Dio Cass. 47.23.3 (for the failed attempt to rescue Antonius led by a group of his men).

In order to address the problems inherent in sending communications, various strategies were employed. Among them, sending duplicate messages, a technique used by Plancus (according to Cicero) and also by Cicero himself (according to Brutus).[37] We have plenty of examples of this practice (also used for private purposes, such as the duplication of private records), which was also used in communications from Hispania Ulterior to Rome; in this case, the port of Gades served as the point of departure for arriving to Italy by sea – though only when conditions were safe in the spring.[38] Furthermore, we learn that Cornificius used the same method in Africa.[39]

In any event, contradictory instructions found in different letters could have disastrous consequences. A well-known episode preserved in Cassius Dio discusses the execution of Sextus Pompeius, an anecdote that underlines the relative speed of messages in determining Pompeius' fate as well as the various options that Antonius had on the table:

> When Antony learned of this (μαθὼν δὲ τοῦτο ὁ Ἀντώνιος) [Pompey's arrest], he at once in anger sent word (ἐπέστειλέσφισιν) to them that Sextus should be put to death (ἀποθάνῃ), but repenting again not long afterward, wrote that his life should be spared […] Now the bearer of the second letter arrived before the other (τοῦ οὖν δευτέρου γραμματο φόρου τὸν πρότερον φθάσαντος); and Titius later received the letter ordering Sextus' death, and either believing that it was really the second or else knowing the truth but not caring to heed it, he followed the order of the arrival of the two, but not their intention.[40]

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37 "I have received two letters from you, each the exact copy of the other (*binas a te accepi litteras*), and this in itself I regarded as a proof of your affectionate care; for I saw clearly that you were making every effort to have your most anxiously awaited letter safely delivered to me" (Cic. *Fam*. 10.5.1, Cicero to Plancus). See Nicholson 1994: 33-63 quoted by A.I. Magallón García, Gredos ed., ad loc. (p. 442, n. 1228): "A letter from you has been delivered to me which is a duplicate (*litterae redditae*) of that brought by my servant" (Cic. *Fam*. 11.11.1, Brutus to Cicero).

38 "In the month of April then I embarked two letter-carriers on two separate ships, and wrote from Gades (*a Gadibus mense Aprili binis tabellariis in duas navis impositis*) to yourself and the consuls and Octavian, asking you to inform me by what manner of means I could best serve the Republic. But, according to my reckoning, the ships started from Gades on the very day Pansa fought his battle. For, since the winter, no sailing was possible before that date" (Cic. *Fam.* 10.33.3, Asinius Pollio to Cicero). On maritime circulation of Cicero's correspondence, see Pittia 2002.

39 "This is a reply, roughly speaking, to the letter (*litteras*) I received in duplicate (*binas accepi*)" (Cic. *Fam*. 12.30.7, Cicero to Cornificius).

40 Dio Cass. 49.18.4.

b) Spoken diplomacy and political messages

The importance of orality in the transmission of political and military messages does not need to be stressed.[41] A survey of the existing evidence shows that verbal orders were in fact preferred when secrets were being transmitted. In a letter to Rome, Plancus clearly points out the centrality of oral communication for the secure transfer of secretive information:

> It was on this account also that I gave that gallant and energetic officer, my legate C. Furnius, even fuller messages by word of mouth than appear in my despatch (*plura etiam verbo, quam scriptura, mandata dedimus*), so that they might be delivered to you with greater secrecy (*tectius*), and I myself might run less risk (*tutiores*); and I have instructed him as to the most suitable measures for the protection of our common safety and for my own equipment.[42]

Assuming that a significant number of political communiqués were not written, there was an obvious need for trustful and qualified messengers. Certainly of note is the role that was played by personal envoys, whose mission went beyond simply delivering a letter. In Plancus words (addressed to Cicero):

> I should write more fully about my plans (*plura tibi de meis consiliis scriberem*) and give you an account of the whole position at greater length […] but I have to be briefer than usual for two reasons; one is that I have already made a full statement in my public despatch, the other that I have instructed M. Varisidius, a Roman knight and an intimate friend of mine, to run over himself and see you, so that you might get full information from him (*M. Varisidium, equitem Romanum, familiarem meum, ipsum ad te transire iussi ex quo omnia cognoscere posses*).[43]

The value of envoys consisted in their capacity to illustrate and develop the content of the written message (if there was even a written message at all), by providing supplementary explanations. So we learn from Cicero that a messenger despatched by Brutus not only handed him a letter, but also provided further and richer explanations orally:

> When our friend Lupus came to Rome from Mutina on the 6th day he called upon me early on the next day. He was most painstaking in the elucidation of your messages, and delivered your letter (*tua mihi mandata diligentissime exposuit et litteras reddidit*).[44]

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41 See Levy 1993; van der Blom – Gray – Steel 2018.

42 Cic. *Fam*. 10.8.5, Plancus to Rome.

43 Cic. *Fam*. 10.7.1, Plancus to Cicero, cf. 10.12.2.

44 Cic. *Fam*. 11.6, Cicero to Brutus. Likewise, in a letter to Cassius Cicero himself underlines the role played by Chaerippus, who communicated not only Cassius' thoughts

Thus, messengers' duty went beyond that of simple letter-bearers, and it was indeed rather noteworthy if they limited their role to conveying messages, as pointed out by Appian in a revealing passage:

> The ambassadors (πρέσβεις) who had been sent to Antony, ashamed of the extraordinary character of the orders [to offer Antony Macedonia instead of the Gallic province], said nothing (οὐδὲν μὲν ἔφασαν), but simply delivered them to him.[45]

Furthermore, messengers could also decide the right moment to deliver the letters and fulfil their mission, as Cicero indicates. At times, they were instructed to assess the situation on the ground and act accordingly:

> The *time* at which this letter is put into your hands is of paramount importance, whether it is when you have some anxiety on your mind, or when you are free from all annoyance. I have therefore instructed the person whom I have sent to you to watch his time for the delivery of the letter (*ei praecepi, quem ad te misi, ut tempus observaret epistulae tibi reddendae*). You know that, just as in personal interviews those who approach us at an unfavourable moment are often an annoyance, so letters too are a cause of offence, if delivered inopportunely. If however (and I hope it is so), you have nothing to disturb, nothing to embarrass you, and my messenger has been clever and tactful enough in choosing the moment to approach you, I feel sure I shall have no difficulty in getting you to do what I desire (*et ille, cui mandavi, satis scite et commode tempus ad te cepit adeundi, confide me, quod velim, facile a te impetraturum*).[46]

In the case of multiple addressees, the guidelines referred either to the staggering of the delivery of messages[47] or, inversely, to have them opened at

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and intentions, but included a description of his gestures: "but none the less your affection has been much more definitely impressed upon me by Chaerippus. What a man he is! I always found him congenial, but now he fascinates me. He did more than convey to me your thoughts and words; I swear to you, there was not a single expression of your face that he did not make vivid to me (*Vultus me hercule tuos mihi expressit omnes, non solum animum ac verba pertulit*). So you need not be afraid that I was angry with you for having written to me just as you would to anybody else; though I have certainly looked for a letter for my own private eye alone, but without rude or unamiable insistence" (Cic. *Fam*. 12.30.3, Cicero to Cassius).

45 App. *B Civ*. 3.62. For the multiple roles of ambassadors and letter bearers, see Torregaray Pagola 2013; García Riaza 2019.

46 Cic. *Fam*. 11.16.1, Cicero to Brutus.

47 "I also wrote a despatch to the Senate, forbidding it to be delivered until it had been read out to you (*litteras, quas reddi vetui prius quam tibi recitatae essent*) – if it happens that my people have been good enough to regard my wishes" (Cic. *Fam*. 12.12.1, Cassius to Cicero).

the same time.[48] Reciprocally, messengers went back to the sender to give information about how the receiver reacted to the message. We learn so much from the case of the *legatus* Cotyla, who, according to Cicero, was allowed into the senate and recorded in his notebook the senator's comments and votes in order to report back to Antonius (*cui portas huius urbis patere ius non erat, huic hoc templum patuit, huic aditus in senatum fuit, hic hesterno die sententias vestras in codicillos et omnia verba referebat*).[49] This practice was particularly important since it allowed for documentation of oral and off-the-record comments uttered by the addressee, before he dictated an official and more formal written response:

> Antony [addressing the legates from the Senate] in his wrath indulged in many invectives (ἀπερρίπτει) against the Senate and Cicero […] After saying much more to the same purpose Antony wrote his reply (ἀντέγραφε) to the decree.[50]

Not surprisingly, *legati* thus became what we could call "secret informants" who gathered intelligence from political rivals. This was the case with the ambassadors sent by Pompeius to Antonius, in Alexandria:

> [H]e [Pompey] sent ambassadors (διεπρεσβεύετο) to Antony ostensibly to place himself at the latter's disposal and to offer himself as a friend and ally, but really to get accurate information about Antony's affairs (ἔργῳ δὲ τὰ Ἀντωνίου κατασκεπτόμενος).[51]

The important mission entrusted to emissaries explains the need to carefully select the individuals tasked with the communication of sensitive information. The importance of trustful and qualified messengers is stressed

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48 "He sent sealed letters to all the armies, with instructions to open them all on a designated day and to execute the orders contained therein (ἐπιστολάς, ἐντελλόμενος ἡμέρᾳ μιᾷ πάντας ἀνειλήσαντας αὐτὰς ἐπιχειρεῖν τοῖς κεκελευσμένοις)" (App. *B Civ*. 5.131).

49 "But we – what concession have we not made to Cotyla, the envoy (*legato*) of Marcus Antonius? Though by right the gates of this city should not have been opened to him, yet this temple was open to him; he had a right of entrance into the Senate, yesterday he was entering in his note-books your votes and everything you said; even those who had filled the highest offices were currying favour with him to the detriment of their dignity" (Cic. *Phil*. 8.10).

50 App. *B Civ*. 3.62-63.

51 App. *B Civ*. 5. 133. See also Dio Cass. 50.2.1 for indirect communication between Octavian and Antonius: "they were constantly sending envoys (πρέσβειςτε) back and forth, wishing to appear as far as possible justified in the complaints they made and at the same time to reconnoitre each other's position (τὰ ἀλλήλων ἅμακατασκοπῶσι)."

in the literary sources that detail the identity and the outstanding social and political status of messengers. So Cicero, addressing to Cassius, remarks:

> What the state of affairs (*status rerum*) was when I sent you this 1 letter, you can find out from C. Titius Strabo, a man of merit, and excellently well disposed to the Republic (*scire poteris ex C. Titio Strabone, viro bono et optime de republica sentiente*).[52]

In this respect, political closeness between dispatcher and envoy as well as the existence of family ties functioned as clear signs of the relevance or the urgency of a particular message. The appointment of Antonius' son during his last attempt at negotiating after Actium illustrates this point.[53]

3. Face-to-face dialogue: on the symbolism of neutral spaces

Political summits, commonly referred to as *conloquia* in the Latin sources, played a key role in the complex network of interaction during the Triumviral period.[54] Among the different facets of this issue, I will focus on the locations chosen as neutral spaces for negotiation.[55] Literary evidence allows us to identify two main kinds of settings. In the case of dialogue between interlocutors with different levels of power, military camps and especially walls and fortifications played a symbolic role as liminal spaces, since they functioned as a threshold for political interaction. Plutarch offers a vivid description of this, when Antonius addresses Lepidus in front of the rampart:

> His hair was unkempt, and his beard had been allowed to grow long ever since his defeat, and putting on a dark garment he came up to the palisade of Lepidus' camp and began to speak (ἐγγὺς προσῆγε τῷ χάρακι τοῦ Λεπίδου καὶ λέγειν ἤρξατο). Many of the soldiers were melted at his appearance and moved by his

52 Cic. *Fam*. 12.6.1, Cicero to Cassius.

53 "So Antony despatched a third embassy (πρεσβείαν), sending him his son Antyllus (τὸν υἱὸν τὸν Ἀντύλλον) with much gold. Caesar accepted the money, but sent the boy back empty-handed, giving him no answer" (Dio Cass. 51.8.4). On kinship diplomacy, see Cornwell (Table 2) in this volume.

54 On mid-republican *conloquia* in the context of Roman foreign relations, see García Riaza (forthcoming). See also Sumi 2005: 186-219 on the performance of politics during the Triumviral period; Marine 2007. For a broader approach, see Flaig 2003.

55 For a kindred approach towards diplomatic spaces in the city of Rome, see Torregaray Pagola 2006; Pina Polo 2011: 58-82; Pina Polo – Díaz Fernández 2019: 98-102. On the space of politics during the Caesarian civil war, see Ando 2019.

> words, so that Lepidus was alarmed and ordered the trumpets to sound all at once in order to prevent Antony from being heard. But the soldiers felt all the more pity for Antony, and held a secret parley with him, sending Laelius and Clodius to him in the garb of women of the camp.[56]

The symbolic nature of the edge of the encampment also played a significant role in cases of the surrendering of a foe, the *deditici* being allowed into the military compound of the victorious party to show *and stage* obedience and submissiveness.[57] This symbolism can be seen when Lucius Antonius approached Young Caesar's camp, as Appian recounts:

> When he saw the latter hastening to pass inside his fortification, indicating thereby that he had already surrendered (ἐς τὸ Καίσαρος χαράκωμα, ἵνα καὶ τῷδε φαίνοιτο ἑαυτὸν ἐπιτρέπωνἤδη), Octavius anticipated him and went outside the fortification in order that Lucius might still be free to consult and decide concerning his own interests. Thus as they moved forward they foreshadowed their intentions to each other in advance, by their retinue and their outward appearance.[58]

Literary evidence for political dialogue throughout the Triumviral period is characterized by a remarkably high frequency of references to the use of water for the establishment of neutral spaces for negotiation, which were often carried out on river islands, sea pontoons or piers.

After the siege of Mutina was raised in 43 BC, Decimus Brutus tried to negotiate with Young Caesar. In a passage from Appian, the river is taken both as a geographical and political boundary; furthermore, the waterway offers a security buffer by separating the rivals and thus minimizing the risk of aggression, while nevertheless facilitating communication between them:

> So he [Brutus] broke down the bridge over the river (τάς τε οὖν γεφύρας τοῦ ποταμοῦ διέκοπτε) before daybreak and sent certain persons to Octavius in a boat, as if to return thanks for rescuing him, and asked that Octavius would come to the opposite bank of the river to hold a conversation (μέσον ἔχοντα τὸν ποταμὸν ἐς λόγους οἱ συνελθεῖν) with him in the presence of the citizens as witnesses. Octavius answered the messengers in a tone of anger, declining the thanks that Decimus gave him [...] When Decimus heard this he stood on the river bank and, calling Octavius by name, read with a loud voice the letters (τούτων ὁ Δέκμος ἔστη τε πρὸ τοῦ ποταμοῦ καὶ καλῶν ὀνομαστὶ τὸν Καίσαρα, σὺν βοῇ τὰ γράμματα τῆς

56 Plut. *Ant*. 18.1-2.
57 On rituals of *deditio*, see Auliard 2005; Sanz 2015.
58 App. *B Civ.* 5.41, cf. 5.45.

> βουλῆς ἀνεγίνωσκε) of the Senate giving him command of the Gallic province, and forbade Octavius to cross the river (ἀπηγόρευέ τε Καίσαρι χωρὶς ὑπάτων) without consular authority [...][59]

A second and rather well known instance relates to the Pact of Bononia in 43 BC. The negotiations are referenced in a number of literary sources that mention a tiny island in the middle of the river where the conference was held. Appian's account is probably the most significant, due to the amount of details he includes:

> Octavius and Antony composed their differences on a small, flat islet in the river Lavinius (ἐς νησῖδα τοῦ Λαβινίου ποταμοῦ βραχεῖάν τε καὶ ὑπτίαν) near the city of Mutina. Each had five legions of soldiers whom they stationed opposite each other, after which each proceeded with 300 men to the bridges over the river (ἐχώρουνσὺν τριακοσίοις ἑκάτερος ἐπὶ τὰς τοῦ ποταμοῦ γεφύρας). Lepidus himself went before them, searched the island, and shook his military cloak as a signal to them to come. Then each left his three hundred in charge of friends on the bridges and advanced to the middle of the island in plain sight, and there the three sat together in council (ἐς τὸ μέσον ᾖεσαν ἐν περιόπτῳ, καὶ συνήδρευον οἱ τρεῖς), Octavius in the centre because he was consul. They were in conference from morning till night for two days, and came to these decisions [...][60]

The small and flat island was intended to provide a sense of security and visibility. That is to say, it allowed for the supervision and vigilance of the negotiating party from both riverbanks, while also granting good visibility of both armies from the islet; such transparency constituted an important preventive measure against any attempted aggression.

Likewise, Plutarch mentions this place twice in his biographies of Antonius and Cicero,[61] while Cassius Dio also refers to the island near Bononia.[62] The precise location of the conference is hard to establish and is

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59 App. *B Civ*. 3.73.

60 App. *B Civ*. 4.2. See Cornwell in this volume.

61 "So the three men came together on a small island in the midst of a river (νησῖδα ποταμῷ περιρρεομένην), and there held conference for three days" (Plut. *Ant*. 19.1); "They held secret meetings by themselves near the city of Bononia for three days, coming together in a place (τόπον) at some distance from the camps and surrounded by a river (ποταμῷ περιρρεόμενον). It is said that for the first two days Caesar kept up his struggle to save Cicero, but yielded on the third and gave him up. The terms of their mutual concessions were as follows […]" (Plut. *Cic*. 46.3).

62 "And the three men came together for the conference, not alone, but each with an equal number of soldiers, on a little island in the river that flows past Bononia (ἐν νησιδίῳ τινὶ τοῦ ποταμοῦ τοῦ παρὰ τὴν Βονωνίαν παραρρέοντος), so that no one else might be present

beside the point for the present argument. In any event, a location somewhere along the Via Aemilia between Mutina and Bononia should be considered: perhaps where there are places to cross the Lavonius or, more likely, the Reno, since its proximity to Bononia and the volume of its flow would require the existence of several bridges, which are mentioned in the literary sources.

The use of water to create security zones is further attested during the Triumviral period in several other instances. Thus, Appian describes the first attempt at negotiations during the Conference of Misenum (39 BC) in the following manner:

> Pompeius yielded and set sail for Ænaria with a large number of his best ships, having embarked himself on a magnificent one with six banks of oars. In this style, toward evening, he sailed proudly past Puteoli in sight of his enemies. Early in the morning two sets of piles were driven in the sea a short distance apart, and planks were placed upon them (ἅμα δὲ ἕῳ, καταπηχθέντων σταυρῶν ἐξ ὀλίγου διαστήματος ἐν τῇ θαλάσσῃ, σανίδες τοῖς σταυροῖς ἐπετέθησαν). Upon the platform nearest the shore Octavius and Antony took their places, while Pompeius and Libo occupied the seaward one, a small space of water separating them, but not preventing them from hearing each other without shouting (ὀλίγου ῥεύματος αὐτοὺς διείργοντος μὴ κεκραγότας ἀλλήλων ἀκούειν).[63]

And once the final agreement was reached on the mainland, the sea appears yet again, this time to create a security buffer surrounding the peninsula where the final details were hammered out:

> [A]gain the three men [Octavius, Antony, and Pompeius] came together on the mole of Puteoli, washed by the waves on both sides (ἀμφίκλυστον), and with ships moored around it as guards. Here they came to an agreement on the following terms [...][64]

The leading role of the fleet and, in general, of maritime settings is also present in the final celebrations of the agreement, when Pompeius set up a

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on the side of any of them. And so they withdrew to a distance from their several escorts and searched one another carefully, to make sure that no one had a dagger concealed. Then they considered various matters […]" (Dio Cass. 46.55.1-2). Cf. Flor. 2.16a.6.3: "Under a compact for these objects peace was concluded between the three leaders. At Confluentes between Perusia and Bononia they joined hands (*apud Confluentes inter Perusiam et Bononiam iungunt manus*), and the armies saluted one another."

63 App. *B Civ*. 5.71. See Cornwell in this volume.

64 App. *B Civ*. 5.72.

walkway in order to allow his guests to come aboard his admiral's ship for supper.[65]

The importance of waterways as liminal spaces and areas for negotiation is again attested in 37 BC, on the occasion of the encounter between Antonius and Young Caesar on the Taras River. According to Appian:

> They both chanced to reach the river at the same time. Antony sprang down from his chariot and leaped alone into one of the skiffs moored nearby, and rowed toward Octavius (ἔς τι τῶν παρορμούντων σκαφῶν ἐσήλατο μόνος καὶ ἐπέρα πρὸς τὸν Καίσαρα), showing confidence in him as a friend. When Octavius saw this he followed the example. So they met in the stream (καὶ ξυμβάλλουσιν ἀλλήλοις κατὰ τὸ ῥεῦμα) and contended with each other which of them should disembark on the other's bank. Octavius prevailed because he was going to make a visit to Octavia at Tarentum. He took a seat with Antony in the latter's chariot, and proceeded to his lodgings at Tarentum unprotected, and passed the night there without guards. On the following day Antony made the same exhibition of trust. Thus they were continually changing from suspicion born of rivalry to confidence due to their mutual needs.[66]

In the same way, a passage from Appian mentions Menodorus changing sides in 36 BC with, again, the presence of an island as the neutral location for making negotiations:

> Then he [Menodorus] drew near to the enemy and invited Mindius to go with him to a small island in order to have a conference (ἠξίου Μίνδιον αὐτῷ συνελθεῖν ἔς τινα νησῖδα ἐπὶ λόγοις συνοίσουσι). When the latter came, and there was nobody else within earshot (οὐδενὸς ἀκούοντος ἑτέρου), Menodorus said [...][67]

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65 "The men met at the promontory and mole of Misenum, near which Pompey's fleet lay at anchor and the forces of Antony and Caesar were drawn up. After it had been agreed that Pompey should have Sardinia and Sicily, should keep the sea clear of robbers, and should send up to Rome a stipulated amount of grain, they invited one another to supper. Lots were cast, and it was the lot of Pompey to entertain the others first. And when Antony asked him where the supper would be held, 'There,' said he, pointing to his admiral's ship with its six banks of oars, 'for this is the ancestral house that is left to Pompey.' This he said by way of reproach to Antony, who was now occupying the house which had belonged to the elder Pompey. So he brought his ship to anchor, made a sort of bridge on which to cross to it from the headland, and gave his guests a hearty welcome on board (ὁρμίσας δὲ τὴν ναῦν ἐπ᾽ ἀγκυρῶν καὶ διάβασίν τινα γεφυρώσας ἀπὸ τῆς ἄκρας ἀνελάμβανεν αὐτοὺς προθύμως)" (Plut. *Ant*. 32.2-5).

66 App. *B Civ*. 5.94; cf. Plut. *Ant*. 35.1-8.

67 App. *B Civ*. 5.102.

Water is even present in Appian's account of Pompeius' final attempt at negotiating with Furnius in 35 BC. In this case, a river was used once again as a buffer zone:

> Then he [Pompeius] sought an interview with Furnius, who had been a friend of Pompey the Great, and who was of higher rank and of a more trustworthy character than the others. Taking a position where a river flowed between them, Pompeius said (ποταμὸν δ' ἐν μέσῳ λαβὼν ἔλεγε) [...][68]

Although not lacking parallels,[69] the frequency of references to water in the context of the political conversations that took place during the Triumviral period is striking. In some cases this probably has to do with the common use of rivers as geographical and, thus, political boundaries.[70] That said, in some other instances we can detect the desperate need for neutral spaces in the context of a civil war, where no clear limits or stable positions could easily be found where rivals could meet. However, we must also acknowledge that ancient historians might have employed literary *topoi* in their constructions of these scenes.[71]

In conclusion, the Triumviral period is characterized by a remarkable intensity of political negotiations, a normal practice whose conventions where strained by the peculiarities of civil war. During this era of political and social distress, the degradation of the concept of diplomacy itself – with the irruption of direct military pressure on constitutional institutions – paradoxically led to a reinvention of the tools and techniques for the exchange of information and negotiation. The intensity of political correspondence was only matched by the increasingly important role of personal messengers, both as informants and intelligence agents. Diplomatic events, such as political summits, which had already been in commonplace for negotiating external policy, were now internally implemented, and as the need for neutral spaces in a shared territory sharply increased, new settings were found where discussions could be held.

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68 App. *B Civ*. 5.140-141.

69 See Cornwell in this volume, quoting Vell. Pat. 2.101 and Plut. *Sull*. 5.4.

70 Purcell 2012.

71 On *imitatio* and *emulatio* in ancient sources, see Paul 1982 (concerning the use of stock elements in the particular case of descriptions of the capture of cities).

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MARCUS ANTONIUS:
WORDS AND IMAGES

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1. Antonius and the Power of Images

The second chapter of the English translation of Zanker's influential work *The Power of Images in the Age of Augustus* is called 'Rival Images: Octavian, Antony, and the Struggle for Sole Power'.[1] In fact, the German title, which includes no specific reference to the individual Triumvirs, provides a more accurate description of the contents: 'Konkurrierende Bilder. Der Kampf um die Alleinherrschaft'.[2] The first five pages of the chapter are devoted solely to "Octavian", after which Zanker introduces the "second-rate" Sextus Pompeius (1988: 39-43) principally in order to highlight "Octavian's" choices.[3] Only after that point does Zanker introduce Marcus Antonius, and then only in the context of "mythological figures" and their role in later Triumviral self-presentation.[4] This order suggests that the "rivals"

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1 Zanker 1988: 33.

2 Zanker 1987: 42. The literal translation is "Competing images. The struggle for sole domination".

3 Zanker 1988: 44.

4 Zanker 1988: 44: "In the struggle between Marc Antony and Octavian we can observe how mythological figures and imagery…" = 1987: 53: "Gerade an der

Sextus Pompeius and Marcus Antonius are included only as a means of highlighting the success of the younger Caesar. Zanker's position on Antonius is summed up in one sentence: 'Mark Antony made it easy for his enemies (to attack him)'.[5]

Zanker's choice of images to illustrate the chapter further emphasizes this agenda. The first (Fig. 25) is a numismatic representation of "Caesar Augustus" and "Divus Iulius" that dates to 12 BCE, long after any rivals had been eliminated.[6] The choice thus suggests a narrative of Augustus' inevitable victory. The second (Fig. 26) reproduces the younger Caesar's *aurei* from 36 BCE by which he claims credit for the then-unfinished Triumviral temple to Divus Iulius. The third (Fig. 27) offers a selection of the Dictator's coins from 46 and the fourth (Fig. 28 examples b and c) presents examples of the legend DIVI F from 40 and 38 BCE. Only in contrasting one of Sextus Pompeius' types with a denarius of the younger Caesar (Fig. 31) does Zanker directly illustrate an example of rivalry or competition. At an even later stage (Fig. 34), he finally supplies an example of Antonius' coinage but his example dates to 42 BCE, two years after Antonius' first attempt at this kind of intervention. He follows this (Fig. 35) with a gemstone displaying an image of Hercules, the divine personality most closely associated with Antonius, while Figures 45-49 are there to represent Antonius' iconographical choices, including his problematic "eastern-ness".[7] The selection defies chronology and therefore any sense of development or dialogue.[8] Recent specialist treatments of Antonius and the Triumviral period are more aware of Antonius' talent and importance, but, for the most part, the agenda reflected in Zanker's order and choice of images still affects the standard narratives of the period.[9]

Auseinandersetzung zwischen M. Antonius und Octavian kann mann verfolgen, wie die mythischen Bilder und Gestalten…").

5 Zanker 1988: 57 = 1987: 65: "M. Antonius machte es seinen Gegnern leicht."

6 Pollini 2012: 145-149; Koortbojian 2013: 47; Welch 2019b: 298-299.

7 Zanker 1988: 57-65 = 1987: 65-73.

8 For the idea of dialogue, Newman 1990 and Pollini 1990.

9 For example, Pollini (2012), even when treating a theme such as the influence of Alexander (which might easily have included detailed comment on Antonius), is "young-Caesar focused". He is more perceptive in an earlier essay (1990: 340-341). New scholarship is certainly modifying the picture. See, for example, Carbone's (2020) examination of Antonius' eastern coinage. In the same volume, Laignoux comments (2020: 8): 'In any case, it is not possible to reduce the numismatic language of the civil wars, including that by Octavian, to the formulations by Zanker who considers the CAESAR DIVI F and IMP CAESAR series to be very clear and simple'. I thank Anton Powell for providing access to

Given the complicated history of this period, observers should resist the urge to go too quickly to "Octavian" and "the end". Allowing time to assess the detail reveals that not every innovation came from "Augustus" or even his one-time ally, Marcus Tullius Cicero. From the moment that the elder Caesar died on 15 March 44, the consul Marcus Antonius directed not only the politics but also the means by which the political message would be delivered. He generated his own images and rhetoric for more than a decade. Rather than assume he was easily outclassed, we should consider the effects of his abilities to present himself to a Roman and Mediterranean-wide audience.

This paper will look at two aspects of Antonius' self-presentation from 44 and 43 that are evidence of his creativity. The first is his use of coinage as a billboard for the messages he wanted to convey about himself and his political agenda. The second examines the rhetorical strategies, such as they can be reconstructed, that he employed as he attempted to lead a Senate that was largely in sympathy with the assassins while at the same he faced a growing need to win the trust of those who expected him to avenge Caesar's death. These strategies partly rested on his claim to specific personal qualities. Rather than making anything easy for his opponents, Antonius can be shown from the beginning to be a nimble innovator who caused Cicero to produce his greatest invectives and the younger Caesar to invest so much in the very program of self-presentation that Zanker praised.

2. Antonius on Coins: the Innovator in Action

Perhaps as early as April 44, Antonius introduced a theme into Roman political imagery that would be picked up by all the major players within two years.[10] The Roman denarius catalogued by Crawford as *RRC* 480/22 appears

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this work ahead of its publication. Other recent studies that highlight Antonius' contribution to independent politics and political image-making include Woytek 2003; Matijević 2006; Ferriès 2012; Kluczek 2016; Welch 2019a.

10 Dating of *RRC* 480/22 usually associates the *desultor* (circus acrobat) on the reverse with either the Parilia of April or the *Ludi Victoriae Caesaris* of July. Crawford (1974: 495) says "perhaps the Parilia", agreeing with Alföldi 1958: 28. See also Angel 2008: 124-126. The Parilia makes more sense. The coin advertises Antonius' bid to be remembered as Caesar's friend, which was on his agenda for April (Welch 2019: 66). It is hard to see how he would want to promote the second event which focused attention on Caesar's heir. The *Ludi Victoriae Caesaris* were held in July and financed by C. Matius (*Fam.* 11.28[349].6; Suet. *Aug.* 10.1; Dio Cass. 45.6.4; Ramsey – Licht 1997: 1-57; Toher 2016: 376-377.

to have featured not only his portrait, which was in itself a shocking enough decision, but a bearded portrait, symbolizing mourning.[11] Later literary evidence records Marcus Porcius Cato refusing to shave as a sign of mourning for the crippled *res publica*. What evidence we have, however, indicates that Antonius was the first to utilize this symbolism in visual media and to make Caesar the object of bereavement, a decision that, had he lived to see it, would have caused Cato no end of annoyance.[12] April 44 represented an extremely delicate moment in politics for Antonius. He had spent most of the period from 15 March negotiating with the leading senators and supporting the measure that prevented any prosecution of Caesar's assasins, only to see an informal cult of Caesar gaining traction under the leadership of a man called Amatius who claimed to be the son of Marius.[13] More problematic still was the arrival in Italy – and probably also in Rome – of the Dictator's heir, Gaius Octavius, himself soon to become Gaius Caesar. The imagery of mourning enabled Antonius to promote both his *pietas* and his own status as augur. It reinforced the *contiones* that praised Caesar, among which might even have been a published version of his *laudatio funebris* for Caesar. This image of a bearded mourner, moreover, became a universally-understood symbol and was quickly appropriated by others, including Sextus Pompeius whose dead brother's portrait, although shown to be clean-shaven on coins produced during 45 BCE, has a beard in the series catalogued by Crawford as *RRC* 511/1.[14]

Figure 1: *RRC* 480/22. Rome, ANS 1937.158.297

11 Crawford 1974: 495; Newman 1990: 39; Woytek 2003: 425-428; 2014: 54; Rowan 2019: 59.

12 Welch 2012: 108.

13 On Amatius, see Deniaux 2001; Toher 2004: 176, 181-182; Cowan 2009; Koortbojian 2013: 26-27.

14 Crawford 1974: 480-481; 486-487; Amela Valverde 2016; Welch 2012: 105-115, with earlier bibliography, 2019: 72-73.

Importantly, the imagery of *RRC* 480/22 avoids overt reference to Caesar's divinity. The reverse probably commemorates games in honour of Caesar, but not his deification. Antonius' veiled head and beard might be read as mourning the death of a *clarissimus civis* rather than any apotheosis.[15] The augural jug is as much a reference to Antonius as it is to Caesar – Caesar's political identity was far more readily wrapped up in his role of pontifex maximus after all.[16] The subtlety of the type perhaps reflects Antonius' determination to attract attention to himself via an attitude of bereavement without giving too much oxygen to those who had already begun to agitate for revenge. It must also have been quite shocking. Up to this point, Caesar had been the only living Roman to appear on coinage. Whether one depicted oneself as an avenger of Caesar or as a defender of *res publica*, the beard as an image of commitment to one's cause became a powerful symbol and a common feature in the iconography of the major players of the period.

In my view, however, the iconography should not be taken to mean that Antonius was projecting himself as Caesar's "legitimate heir".[17] Rather, it suggests that Antonius was advertising his intention to defend Caesar's memory and therefore reinforced the messages delivered in word and text.[18] The subtlety of the innovation allowed him to send a signal to Caesarian supporters that he was willing to listen to them while he continued to negotiate with the assassins and their friends.

3. Antonius the Virtuous Roman in 44 BCE

Zanker's great achievement was to draw our attention firmly and irrevocably to the visual imagery of the period. Reviewing his treatment of Antonius' willingness to promote himself in more than one way during early

15 This is how an unidentified speaker (probably Antonius) referred to Caesar in a *contio* of later April 44. Even this restrained response was already too much for Cicero (*Att*. 14.11[365].1; Welch 2019a, 65). In the same series as *RRC* 480/22, three types (*RRC* 480/5a, 5b and 18) depict the *sidus iulium* and one adds a crescent moon (*RRC* 480/4). As Crawford (1974: 492) states, the chronology of this massive series is complicated. Ramsey – Licht (1997: 2-3) discern an early resistance from Antonius to promoting Caesar's divine status.

16 Crawford 1974: 739; Woytek 2003: 482. Some coins in the series *RRC* 480 refer to Caesar's augurate (*RRC* 2b, 2c, 3, 19, 20) but each also bears a portrait of Caesar, thus making the association clear. On its place in the iconography of the period, Koortbojian 2013, 50-73.

17 See, for example, Newman 1990: 53.

18 Ferriès 2012; Welch 2019: 63-67.

44 gives us cause to re-examine how he inserted himself into the political landscape via his words.[19] There is no doubt that he was an effective orator.[20] During early 44 he and his brother Lucius, tribune of the plebs in that year, held *contiones* that praised Caesar as a *clarissimus vir* even while he continued to negotiate with leading senators and some of the assassins.[21] There are strong indications that these *contiones* were written and disseminated to all interested audiences. Together with Lucius he also organised land distributions for the veterans. Lucius' efforts earned him huge recognition although the exact circumstances of his honours are unclear.[22] An even starker paucity of evidence makes it more difficult to discern any specific role played by their brother Gaius, praetor in 44, but, given their reputed closeness, it is fair to assume that he will have been active also.[23] At the same time, Antonius had to hold off young Caesar's efforts to erode his popularity.[24] It is understandable, then, that his responses to this situation had to be even more agile, subtle, and self-promoting.

In 47, Antonius' independence led him into a dispute with Publius Cornelius Dolabella over debt relief.[25] This is the most likely context also for Antonius' marriage to Fulvia, the widow of Publius Clodius Pulcher and Gaius Scribonius Curio, who already had a reputation for political involvement that would increase dramatically as Antonius' power grew.[26] At the end of 45, Lucius Antonius proposed the *lex Antonia de candidatis* which regulated – and therefore arguably limited – the ability of Caesar to nominate candidates and restricted the consulship to open election.[27] Caesar nominated consuls for 43

19 Various authors indicate, even if the details are minimal, that Antonius defended himself using written media. According to Pliny (*HN* 14.148) he wrote a pamphlet *De ebrietate sua*, on which see Scott 1929: 133-141; Geiger 1980: 113; Huzar 1982; Pelling 1988: 30; Marasco 1992; Freyburger-Gallard 2009: 17-30. Kelly 2008 attempts to reconstruct his contribution to the "pamphlet war" of 44.

20 For a comprehensive survey of references to Antonius, oratory, see Mahy 2013.

21 *Att*. 14.13[367].2, 15.20[397].2; Mahy 2013: 331; Welch 2019.

22 Veteran settlement: Cic. *Att.* 14.17[371].2; 14.21[375].2; 15.4[381].1. Lucius Antonius: Cic. *Att.* 11.20[374].2, 15.2[379].2, *Phil.* 6.12; Nicolet 1985: 816-823; Roddaz 1988; Ferriès 2007: 324-327; Welch 2012: 130.

23 Cic. *Fam.* 2.18[115].2, *Phil.* 7.16-17; Dio Cass. 45.9.1-2; 45.22.3.

24 Toher 2004: 176-180; Jordan 2017; Welch 2019: 63-67.

25 Welch 1995: 182, 191-192.

26 Babcock 1965: 3-5, 22; Weir 2007: 61, 64-65, 72, 92-94.

27 Cic. *Phil.* 7.16 gives a hostile report that Frei-Stolba (1967: 60-76) reinterprets. See also Manuwald 2007: 843-879.

and 42 in spite of this law, but the fact that Lucius made the attempt is another significant indication of his (and others') desire to act independently and to restrict Caesar's power.[28] In 2008, Stone put forward the bold proposal that during 44 Antonius promoted himself as an *exemplum* of specific personal qualities that reflected the Stoic view of a great statesman.[29] The argument was based on the realisation that these qualities play a far more intrinsic role in the *Philippics* than scholars had realised.[30] Cicero uses them to critique Caesar's reputation, to bolster that of his heir, and even to praise others such as Servius Sulpicius Rufus. At the same time and with considerable deliberation, Cicero specifically denies every quality except *liberalitas* to Antonius. The result is decidedly awkward. Stone proposed that such a risky strategy could only be explained by the fact that Antonius had already made a set of claims that Cicero had to deny him.[31]

If it is correct to argue that Cicero's use of the Stoic scheme is as reactive as other material in the *Philippics*, then it ought to be possible to see traces of Antonius' strategy of self-promotion on this point as well as others in both the Ciceronian and the later tradition.[32] Fortunately, in the case of the Stoic virtues, Cicero also left us a detailed guide in the *de officiis*, a Romanised exposition of Panaetius' περὶ τοῦ καθήκοντος ('On the Appropriate').[33] It is well known that

28 Cic. *Att*. 14.6[360].2; cf. App. *B Civ*. 2.128, 138. Welch 2012: 125, 157.

29 Stone 2008: 227. On virtue and the statesman in this period and later, Weinstock 1971: 228-259; Fears 1981: 872-948; Wallace-Hadrill 1981: 298-323; Cowan 2009: 468-485. On the relationship between the four virtues and those presented on the *clupeus* of 27, Welch, 2012: 304-312; 2019a: 120-122.

30 Stone 2008: 220-227.

31 Stone 2008: 227-239, accepted enthusiastically by Henderson in review (*BMCR* 2010.03.16). Long 1995: 226 also discusses Cicero's refusal to admit Caesar's justice in the *de officiis*, and remarks that, although Antonius is never named in the work, it is hard to avoid seeing pointed reference to him embedded in it (1995: 25). Dyck (1996) identifies allusions to Antonius at *Off.* 1.43 (a discussion of *largitio*/*liberalitas*); 1.57 (the role of Antonius during the civil war); 1.77 (Cicero's defence of his consulship); 1.137 (house ownership, which, along with *Phil*. 3.15, reflects the fact that Antonius resided in the house of Gnaeus Pompeius); 2.26b-29 (unjust treatment of provincials); 2.42b (comparison of Caesar and Antonius, for which also see *Phil*. 2.115); 2.63 (proper duties attached to a *beneficium*); 3.89 (proper use of an army).

32 Stone 2008: 234-239; Welch 2019a: 111-116.

33 *Att*. 15.13[416].6. Both works were planned and largely composed in September and October 44. Dyck 1996: 8-10; 219-221; Walsh 2000: ix; Gabba 1979; Long 1995; Dyck 1996: 29-39. On *decorum* and its meaning in the *de officiis*, see also Schofield 2012: 43-57. On a possible two-tier readership of *de officiis*, Kries 2003.

this work also speaks directly to the political situation of late 44-43.[34] A comparison between Cicero's treatise and a long speech that Cassius Dio assigns to Quintus Fufius Calenus shows a clear relationship.[35] The speech itself is framed as a contest in virtue between Antonius and Cicero: Antonius emerges as a virtuous, courageous, and patriotic Roman in the face of Cicero's cowardice, perfidy, and stupidity. The twist is in the date. Dio assigns a dramatic date of January 43 but the rhetoric sits oddly with the setting. There is a particular element in "Calenus'" retelling of the Lupercalia of February when Antonius offered Caesar the crown. When Dio recounts the Lupercalia in his main narrative, he offers no special role to Antonius.[36] Similarly, Appian's account of the Lupercalia is quite colourless. The focus of this short account is on Caesar. This contrast adds more support to the view that Dio did not create these elements of the speech but has rather given them a different context and purpose.

According to Dio's "Calenus", Antonius invented a crafty strategy to pull Caesar into line. He knew Caesar's power but also knew that he was in danger of overstepping the limits any Roman ought to place on himself. So, says "Calenus", Antonius used the festival atmosphere of the Lupercalia, the power of place (the Forum), and the power of the assembled People to remind Caesar that no one should be king at Rome (Dio Cass. 46.19). "Calenus" describes Antonius' strategy as "most wise" (σοφώτατα) and "most intelligent" (φρονιμώτατα). Thus, The Antonius of this speech is one whose sense of justice and courage are tempered by excellent good sense and reasonableness.

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34 The work discussed the practical face of the four virtues, rendering into Latin behaviours prized by the Stoics who had taken their cue from Plato: *prudentia* for φρόνησις (intelligence), *iustitia* for δικαιοσύνη (justice); *fortitudo* for ἀνδρεία (courage, especially in asserting individual independence) and *temperantia* for σωφροσύνη (moderation). Practical wisdom (*prudentia*) appears to be held in far greater regard than *sapientia*. Justice has two faces: granting what is due (*suum cuique tribuere*) and granting more than is due (*liberalitas*/*beneficentia*). Stone 2008: 215-216. Moderation also takes two forms: first and foremost, it is associated with qualities such as *verecundia*, *modestia*, *constantia*; then, secondly, with *decorum* (appropriate behaviour) and *decor*, encompassing both moral and physical beauty. Stone 2008: 217-218; Schofield 2012.

35 Dio Cass. 46.1-28. For an expanded treatment of this topic, Welch 2019a: 111-116. Significantly, Dio associates Antonius with the four cardinal virtues at several points of his narrative, including his version of Antonius funeral oration for Caesar, young Caesar's speech before Actium and the summary of Antonius' character at the moment of his final defeat and suicide (Welch 2019a: 111-118).

36 App. *B Civ.* 2.109; Dio Cass. 44.11.2.

Moreover, "Calenus" describes Antonius' prudence as "completely safe" (ἀσφαλέστατα). In other words, the strategy was foolproof because Antonius' consideration of all the risks had led him to a temperate, sensible, effective, and fair solution that was also astute.

This version characterises Antonius as a figure who recognises Caesar's unreasonable desire for more power but who looks for a political solution that was far preferable to (and would have been more efficacious than) the horrific and ungrateful assassination of an otherwise great man. The unique admission of fault in Caesar, however, suggests that Dio has adapted material that originally belonged to an earlier context. By early 43, Antonius spoke of Caesar as one who was sacred and much closer to the gods.[37] "Calenus'" characterisation of the relationship between Caesar and Antonius fits closest with a context in which Antonius was still simultaneously trying to manage hostile senators and a public that expected him to do something to punish the murderers. Antonius' claims to virtue as they emerge from the "Calenus" speech would thus belong to a period before Cicero wrote either the *de officiis* or the *Philippics*.

A similar idea can be found in parts of Appian's account of 44 BCE. Throughout the latter part of Book 2 and Book 3 of *Civil Wars*, Appian assigns several long speeches to Antonius. The material is even more difficult to assess: over decades Appian has been regarded merely as a means to access earlier authors such as Gaius Asinius Pollio and his pro-Antonian history.[38] Both positions in their crude form have been rightly disputed.[39] Moreover, most scholars would agree that, as with Dio's "Calenus", these speeches owe more to Appian than anyone else.[40] The reality is almost certainly more complicated. For all that he assigns such a major role to Antonius in this part of the work, Appian has neither a consistent nor a holistic interest in him.[41] Antonius first appears in the narrative in early 49 and then sporadically.[42] Comments on his

37 Welch 2019a: 115.

38 Gabba 1956: 140-151. Later in the work, Gabba himself (1956: 160-165) notes how complicated Appian's treatment really is. Others see Appian's focus varying (Zecchini 1982: 1290; Sordi 1985: 308; Welch 2012: 285-287.

39 Especially Westall 2015: 126-130.

40 Gowing 1990; 1992: 119, 227-228, 231-234; Westall 2015: 153, 166.

41 Welch 2015a: 289-296; 2019: 69-77.

42 App. *Prooem*. 59, 60; *B Civ.* 1.5, 6. Appian's first narrative reference to Antonius occurs at *B Civ.* 2.33 when Antonius, having failed to prevent the passing of a *senatus consultum ultimum* on 7 January 49, leaves Rome, accompanied by Quintus Cassius and Gaius Scribonius

character are rare and his role in the story is left, for the most part, to speak for itself. In my view, such overall lack of interest suggests that Appian did not create the Antonius of the speeches. On other occasions, Appian either minimises Antonius' role and even projects the 'simple' Antonius who is found in Plutarch's biography and informs Zanker's view that he was easily bested.[43]

As in the case of Dio's "Calenus" speech, Antonius in Appian's post-Ides narrative demonstrates astute, practical intelligence, a sense of justice, loyalty, courage, and patience from the moment of the assassination.[44] He is also seen as politically canny. Appian describes a moment during the senate meeting of 17 March when, according to his version, Antonius and the *magister equitum* Marcus Lepidus plot both revenge and proscription (*B Civ.* 2.124.518):

> Ἀντώνιος δὲ καὶ Λέπιδος ἐβούλοντο μὲν ἀμύνειν Καίσαρι, ὥς μοι προείρηται, εἴτε φιλίας ἕνεκα εἴτε τῶν ὀμωμοσμένων, εἴτε καὶ ἀρχῆς ὀρεγόμενοι καὶ νομίζοντες εὐμαρέστερα σφίσιν ἅπαντα ἔσεσθαι τοιῶνδε καὶ τοσῶνδε ἀνδρῶν ἀθρόως ἐκποδὼν γενομένων…
>
> Antonius and Lepidus wanted to avenge Caesar, as I have already said, either from friendship or the oath they had sworn, or because they coveted power and thought that things would be altogether more convenient for them if such a number of important men were quickly put out of the way. (trans. Carter, adapted)

The comment foreshadows the policy that these men would introduce nearly two years later. It also implies that they sought vengeance for Caesar from the moment of his death. This is almost certainly not what either man was thinking in March, and so it presents as another example of dislocation or even projection. In the next chapter, Appian describes Antonius as

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Curio. Antonius, clearly the spokesperson for the group, threatens 'war, slaughter, proscriptions, exile, and so many other evils about to befall them' (πολέμους καὶ σφαγὰς καὶ προγραφὰς καὶ φυγὰς καὶ δημεύσεις καὶ ὅσα ἄλλα αὐτοῖς ἔμελλεν ἔσεσθαι) and calling down 'grievous curses on those responsible' (ἀράς βαρείας τοῖς τούτων αἰτίοις ἐπαρώμενος).

43 We meet the 'simple' Antonius at *B Civ.* 5.136 (Welch 2012: 281-282). Pelling (1988: 182) sees Antonius' simplicity in a positive light. It makes Antonius able to admit his mistakes frankly. Stone (2008: 235) sees the hand of Pollio in creating this 'simple' Antonius. Even so, his Antonius has virtues even if he fails to live up to them (Stone 2008: 234-237). Hostile propaganda also springs directly from Antonius' self-presentation in other ways. His detractors used the images of Hercules and Dionysus as a means to denigrate him, but, besides being symbols of strength and liberation, they too were also Stoic heroes who worked to benefit the human race (Zanker 1988: 57-65; Marasco 1992; Welch 2008; Lange 2009: 42).

44 App. *B Civ.* 2.123-135; Welch 2015a, 2019a: 111. Gabba (1956: 140) marks the change at *B Civ.* 2.120, and points to *B Civ.* 2.128 as critical for the characterisation of Antonius in this section of the narrative.

winning the confidence of the veterans by promising that Caesar would eventually be avenged, but, given the opinion of most senators, they all had to wait for the 'safe' moment before acting (*B Civ.* 2.125.521). Once again, the word used is ἀσφαλῶς, reflecting the same strategic attitude that "Calenus" associates with Antonius at the Lupercalia. Appian also presents a crafty Antonius at Caesar's funeral (*B Civ.* 2.143.599). Sensing the mood of the crowd, he 'pushed on with his artfulness' (ἐτέχναζεν).[45] At the funeral, Antonius uses both mechanical and oratorical craft to drive the mourners to a frenzy. We again see the intelligent operator who identifies an occasion and implements a strategy to bring about the right result in difficult and even inimical circumstances.[46]

It is within the context of an alleged exchange with a group of military tribunes in the middle of 44 (*B Civ.* 3.32-8) that "Antonius" explains himself in terms in similar virtues to those "Calenus" claims for him in Dio's text. At this point in the narrative, Antonius is locked in a contest with young Caesar for the good will of the veterans. Scholars have noted the chronological difficulties embedded in the speech, and most have assumed from them that it owed most of its content to Appian himself.[47] Its affinity with the particular characterisation (and qualities) of the Calenus speech, however, suggest that its origins cannot be quite that simple, even if a fair degree of adaptation has occurred, either by Appian himself or one of the authors he used as a source.[48]

Nicolaus also describes a meeting between Antonius and representatives of the veterans who came to say that he should stop making friends with 'the enemy' and become reconciled to Caesar's heir.[49] Nicolaus' account, however, simply records the veterans' annoyance. Appian adds two speeches outlining the specific grievances of the veterans' representatives as well as Antonius' response. The spokesmen make their case as follows:[50]

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45 App. *B Civ.* 2.143.599. The same word is used of Antonius when describing his naval operations against the younger Caesar in 41-40 (*B Civ.* 5.58.243).

46 App. *B Civ.* 2.143-7. Frisch 1946: 60-1; Sumi 2002: 566-571.

47 Kober 2000: 108, 191. On the speech as a reflection of Appian's narrative in *B Civ.* 2, Goukowky – Torrens 2010: 130-131.

48 Welch 2015: 287-289.

49 App. *B Civ.* 3.32.124-127; Nic. Dam. 115; Toher 2016: 393-394; Welch 2019: 70.

50 App. *B Civ.* 3.32.

> τὴν δ᾽ ἐς τὸ μέλλον ἀσφάλειαν εἴχομεν ἐν σοί, φίλῳ τε Καίσαρος ὄντι καὶ ἡγεμονικωτάτῳ μετ᾽ ἐκεῖνον ἐκ πάντων καὶ ἄρχοντι νῦν ἡμῶν καὶ ἐς τὰ μάλιστα ἐπιτηδείῳ…
>
> ὧν ἐνθυμηθέντα σε ἀξιοῦμεν, ὁσίας τε χάριν ἐς τὸν Καίσαρα καὶ φειδοῦς ὑπὲρ ἡμῶν οὐδὲν ἐπιμέμπτων σοι γενομένων καὶ πρὸ ἡμῶν αὐτοῦ σοῦ τῶν συμφερόντων οὕνεκα, ἕως ἔτι δύνασαι, Καίσαρι μέν, ὅπερ ἀρκέσει, μόνον συνεπαμῦναι τοὺς φονέας τιμωρουμένῳ, σὲ δὲ αὐτίκα δυναστεύειν, ἐν ἀμερίμνῳ γενόμενόν τε καὶ ἡμᾶς γενέσθαι παρασκευάσαντα τοὺς ὑπέρ τε σφῶν αὐτῶν καὶ ὑπὲρ σοῦ δεδιότας.
>
> We placed our hopes of future safety in you: you are Caesar's friend, you are a man endowed with qualities of leadership second only to his, and you are also the current holder of power and in every way most suitable…
>
> While you bear in mind all this, we call upon you, both out of regard for your piety towards Caesar and your concern for us, who do not blame you in any way, and finally not just out of concern for us but for your very own interests, so long as you still can, merely to join [young] Caesar in taking revenge on the assassins (this will suffice) and, further, to exercise power immediately. By doing so, you will free yourself from anxiety and will have taken steps to do the same for us, for we are concerned both for ourselves and for you.[51]

Even while they admonish Antonius, the speakers recognize his capacity for leadership, his intelligence, his sense of justice (here expressed in terms both of *pietas* and a reasonable expectation of vengeance), and his capacity to be reasonable in the face of the threat posed by Caesar's assassins and their friends. Their appeal is based firmly on an understanding that Antonius possesses the right character and needs only to be reminded of his primary loyalty.

Antonius' response is framed even more closely by these same personal qualities. He opens by asserting his well-attested courage (*B Civ.* 3.33.128). He then confirms his close friendship with Caesar and the high regard in which Caesar held him (*B Civ.* 3.33.130). Antonius then defends the negotiated settlement with the senators on 17 March as (in fact) an effort to buy time while he assessed the situation and, above all, to prevent the dead Caesar being declared a tyrant (*B Civ.* 3.34.133), another example of his cleverness. "I was very daring where boldness was needed and resourceful where play-acting was required" (ἔνθα μὲν ἔδει τόλμης, θρασύτατον, ἔνθα δὲ ὑποκρίσεως, εὐμήχανον), he says, while stressing the dangers he successfully negotiated. Once again, there is an emphasis on intelligent strategy: prudence and guile are employed in the service of justice. Most importantly, he says, his

51 My thanks to John Ramsey and Anthony Alexander for correcting and refining Carter's translation of Appian's text.

methods might look devious, but his motives are pure: ultimately, he achieved justice for Caesar, first in the confirmation of his *acta* and then in the splendour of his funeral (*B Civ.* 3.34.136).

Antonius then claims that his role in Caesar's funeral was also part of his plan. Everything that happened, including weaponizing the passion of the crowd, had been intentional (*B Civ.* 3.35.138). And yes, there was a backlash from the Senate, but even that was overcome by seducing his (until-then) untrustworthy colleague Publius Cornelius Dolabella with the province of Syria and by wresting first Macedonia and then Cisalpine Gaul from the conspirators and their friends.[52] He calls attention to his artfulness in the cause of justice, courage under fire from those duplicitous senators who supported the murderers of an (almost) divine figure, and reasonableness as a weapon against an *impius* opposition. The representatives of the soldiers accept his explanation. They leave "convinced that all his actions had been informed by genuine hostility to the murderers and a desire to outwit the senate" (παρέστη … αὐτὸν ἅπαντα μετ᾽ ἔχθρας ἀκριβοῦς ἐς τοὺς ἀνδροφόνους, ἐπιτεχνάζοντα τῇ βουλῇ, πεποιηκέναι: *B Civ.* 3.39.156). In this way Antonius' prudent, reasonable, sagacity takes centre stage, creating a pathway to justice in the face of chaos and impiety.

The actual historicity of this exchange is about as likely as Dio's account of Calenus' defence of Antonius at the beginning of 43. However, it is just as unlikely that either Appian or Dio invented Antonius' modus operandi that invokes a specific (and repeated) set of virtues. They also support the subtle message of the coin that bore Antonius' image in early 44, as well as Cicero's oblique references to Antonius' public commentary on the death of Caesar in April: a great man had died, and Antonius mourned for him even while he consulted and cooperated with the leading senators who supported the assassins. Because Caesar's heir was backed by a group of Caesar's supporters who were inimical to him, Antonius had to package the defence of his actions for two different audiences, but the message about who he was remains consistent.[53] The ultimate source for Appian's narrative is most likely to have originated with a source friendly to Antonius, whether Pollio or someone else,

52 *B Civ.* 3.36. On Antonius and Macedonia, Matijević 2006: 134, 372.

53 In several recent papers, I have attempted to track Antonius' involvement in the revenge project of 44 and 43 and especially to disambiguate the ways that he responded to the problems it posed for him. See Welch 2014; 2015; 2019; 2019b. This paper emphasises the innovative nature of his response to circumstances, and the extent to which this response set the agenda for self-presentation in the Triumviral period.

as both his magnificence as an orator and his claim to virtue is embedded in an account that for a short time places him at its centre.[54] However, it is hard to see how such an author would completely invent an Antonius who could not only find a way to criticise Caesar when necessary but also promise revenge for his death because both actions were the right thing to do. Given Antonius' numismatic boldness and Stone's pertinent arguments about why a denial of virtues was so important in the *Philippics*, the most likely origin for the claim is Antonius himself.

4. A New Message: Antonius as Pious Avenger

By October 44, the pressure of politics, and especially from young Caesar, began to tell. In this next phase, Antonius began to describe the assassins as parricides. He also called them *sicarii* – knifemen, that is to say, butchers.[55] This period also is notable for the development of the message that those who "rejoiced at the death of Caesar" were even guiltier than the assassins and that Cicero, the man who proposed the compromise of March, was the real *auctor* of the conspiracy.[56] On 1 September Antonius proposed to add one day more day to each *supplicatio* in honour of Caesar and challenged Cicero to support it.[57] Instead, Cicero embraced the public quarrel and eventually allied himself with young Caesar and his friends. Antonius responded by further developing the view that killing the sacrosanct *parens patriae* polluted the whole community. By March 43, he openly expressed support for Publius Dolabella, whom his own supporters in the Senate (led by Calenus himself) had earlier proclaimed a *hostis.* In a letter Antonius wrote to the consul Aulus Hirtius and the newly minted pro-praetor young Caesar, quoted by Cicero in the thirteenth *Philippic*, he promotes the *fides* and *sanctitas* that he and Lucius displayed in the face of young Caesar's perfidy and stupidity.[58] From this point, the virtue of *pietas* becomes ever more prominent in the public discourse.[59] Cicero himself responded with a long exposition on the hierarchy of duty. Young

54 Welch 2019a: 108-118.
55 Welch 2019: 67-70.
56 Cic. *Phil.* 2.30-31; Ramsey 2003: 205-210; Welch 2015a: 288-289.
57 Cic. *Phil.* 1.1; Ramsey 2003: 86; Welch 2019: 67.
58 Cic. *Phil.* 13.22-48; Frisch 1946: 251-255; Ramsey 2010: 155-174; Welch 2012: 127-128, 142-148.
59 Cic. *Phil.* 13.4, 13.37. On *fides* as the foundation of justice, *Off.* 1.23; Walsh 2000: xix.

Caesar, he claimed, had chosen to place his duty to the *res publica* above his duty to his father.[60]

Figure 2: *RRC* 488/1. Gallia Cisalpina, ANS 1937.158.306

The letter to Hirtius and young Caesar shows that Antonius had unequivocally embraced the cause of punishing the assassins and their supporters.[61] He was defeated at Mutina in April but managed to escape and join his remaining forces first with those of P. Ventidius and then with Lepidus in May.[62] Southern Gaul gave him access to mints as well as written propaganda, and two types from the series *RRC* 488 leave no doubt of his willingness to exploit young Caesar's weird alliance by promoting the cause of revenge.[63] Both the reverses bear an image of Caesar wreathed in laurel and identified by the legend CAESAR DIC. The obverse of the first type (*RRC* 488/1) depicts Antonius himself, complete with beard, and the legend M ANTON[IMP]. The design is a striking challenge to young Caesar who had just helped the assassin Decimus Brutus to escape Antonius' siege and who had accepted honours from the Senate for an indecisive victory.[64] The obverse legend on the second type (*RRC* 488/2) includes the letters RPC (*rei publicae constituendae*), leading observers to date it to the time when negotiations about what the Triumviral government would look like were underway.[65] Thus, Antonius can possibly be seen advertising a change of status before those changes had been fully determined.

60 Welch 2012: 146-148.

61 Frisch 1946: 248-262; Ramsey 2010; Welch 2012: 142-148.

62 Cic. [Decimus] *Fam.* 11.9[380].1 (29 April); 10[385].3 (5 May); [Lepidus]10.17[398].1 (19 May); [Plancus] 10.17[398].1(18 May); App. *B Civ.* 3.80; Dio Cass. 46.50-51.

63 Crawford 1974: 498; Newman 1990: 39-40, 53; Amela Valverde 2003: 37; Woytek 2003: 482-483; Matijević 2006: 424-427.

64 Welch 2012: 123-130; 2019a: 63-67.

65 Woytek 2003: 482; Matijević 2006: 426-427.

Antonius includes an imperatorial salutation on this issue and another that was produced after he had joined Lepidus. The actual details of the acclamation are a mystery. It could date to early 43 on the basis of Cicero's feigned surprise that it had been omitted from the letter he quotes in the thirteenth *Philippic*.[66] However, that comment is elliptical and vague. There are other possibilities, the most likely being the occasion of Antonius' public reconciliation with Lepidus. It would then represent the unification of loyal Caesarians as a victory over the Cicero-led Senate and young Caesar, its enabler. This event was more obviously commemorated in another group of coins (*RRC* 489). The obverses of *RRC* 489/1-3 make reference to Antonius through the jug and raven of an augur and the inscription M·ANT·IMP, repeated from *RRC* 488/1. The reverses, inscribed LEP·IMP, refer to the position of pontifex maximus that Lepidus attained after Caesar's death through the *simpulum*, *aspergillum*, axe and apex of a priest. *RRC* 489/1 adds COS to the names of men, although both had held their consulships earlier.

Figure 3: *RRC* 489/1. Gallia Cisalpina, BnF REP-4819

At the same time, a series of *quinarii* from this issue focusses on Antonius in new ways and makes no reference to either Lepidus or Caesar. *RRC* 489/4 depicts the same augural symbols as *RRC* 489/1 but places a standing Victory crowning a trophy on the reverse. The next example, however, introduces yet another startling innovation: the features of Antonius' redoubtable wife Fulvia are employed to represent Victory (*RRC* 489/5).[67] Although the identification was at first treated with suspicion,[68] the striking similarities between the features of Victory on *RRC* 489/5 and those in the portrait on a series from

66 *Phil.* 13.22; Broughton *MRR* 2.342; Crawford 1974: 740; Newman 1990: 54

67 Woytek 2003: 478; Matijević 2006: 431; Carbone 2020: 44-46; Laignoux 2020: 8.

68 Delia 1990: 202; Welch 1995: 198. Although sceptical in 1995, I have been persuaded by numismatic colleagues that the identification is appropriate.

Fulvia/Eumeneia in Asia (*RPC* I 3139-3140) put the dispute to rest. The same portrait also appears on coins minted at Rome (*RRC* 514/1). Fulvia had been the wife of P. Clodius Pulcher and the use of her image in this unprecedented way is an indication of the importance which Antonius assigned not only to her but to those who had supported her first husband.[69] The legend on the reverse of *RRC* 489/5 names the mint along with A XL, a reference, it is reasonably thought, to Antonius' age in 43.[70] The entire message therefore focuses on Antonius himself (via his augurate and his age) and a wife who signifies his *popularis* links and his eventual victory. The Fulvia/Victory image is repeated on the last type in this series, but the legend III·VIR·R·P·C, dates it to the period after November 43. Antonius was born on 14 January 83 and so the adjustment of his age to 41 gives more exactitude to the date: the type must come from early 42.

This series of messages is significant for many reasons. In the first place, reference to Caesar is highly significant but not ubiquitous. When Antonius and Lepidus appear together, the emphasis is on their own priestly roles. That Caesar was both pontifex maximus and augur by the time of his death is true, but each man's name is linked to the role that *he* had, suggesting that any reference to Caesar via these symbols is tangential at best (Crawford 1974: 739-740; Newman 1990: 55-57). In combination, *RRC* 488 and 489 emphasize Antonius' association with *popularis* politics, his jubilation at escaping from the senatorial armies, the successful unification of his troops with those of Lepidus, the promise of victory for himself as well as his intention to seek justice for Caesar. Depictions of Caesar are designed to be explosive, but there is more to Antonius' political imagery than that.

Young Caesar eventually retaliated. His earliest known attempt at numismatic imaging (*RRC* 490/1) principally celebrates the successes he enjoyed against Antonius in early 43. The type depicts his portrait on the obverse and the equestrian statue that the Senate awarded him for his role in the Mutina war on the reverse. He is bearded, just as Antonius was in his two issues. This is the only obvious allusion on this coin to the pious duty of revenge and it is one he would use for many years, but in this particular case the accompanying iconography renders it oblique and weak. Newman argues

69 Weir (2007: 26, 77-82) reviews the evidence and the scholarship on this issue.
70 Crawford 1974: 499; Woytek 2003: 143-145, 480.

that the use of the name Caesar on the obverse was in itself a bold statement of *pietas*, but, considering who he was fighting with and against, it is hard to accept this. In the third and fifth *Philippics,* Cicero himself calls the young man 'Caesar' while vouching for his dedication to *maxima pietas* (to the *res publica*) over *pietas erga parentem.*[71]

Figure 4: *RRC* 490/1. Gallia Cisalpina and Italy, ANS 1955.21.1

According to the numismatic evidence, it was only after turning his back on his senatorial allies and their leader Cicero that young Caesar produced coinage featuring the murdered dictator's own portrait (*RRC* 490/2). The portrait, identified by the legend C·CAESAR·DICT·PERP·PONT·MAX, closely resembles the iconography that Antonius had used earlier in the year.[72] On the obverse, young Caesar's face is bearded and flanked by a legend that records his consulship (attained in August), his newly awarded augurate and his priesthood.[73] The biggest point of difference between this issue and Antonius' coinage is the metal: it was issued in gold. It probably coincided with the conviction of the assassins and their accomplices by the Pedian court as well as the posthumous exoneration of P. Dolabella, who had executed C. Trebonius in early 43.[74] In one moment, young Caesar assumed the mantle of pious avenger from Antonius who had worn it since December 44. For almost

71 Newman 1990: 53; cf. Crawford 1974: 740; Welch 2012: 142-144. For the equestrian statue, Vell. Pat. 2.61.3

72 Compare *RRC* 490/2 with *RRC* 488/1. Both show a portrait bust of Caesar wearing a laurel wreath. Crawford 1974; Woytek 2003: 484; Newman 1990: 54. On the Lex Pedia and its significance for young Caesar, Welch 2014.

73 C·CAESAR·COS·PONT·AVG. Győri (2015) demonstrates the use that young Caesar continued to make of augural symbolism after he became the *princeps*. She also notes the ways that he copied Antonius' use of the *lituus* (2015: 57).

74 *Phil*. 11.1; 11.15; 12.25; 13.22-23; App. *B Civ*. 4.58; Dio Cass. 47.29. *MRR* 2.343; Manuwald 2007: 45. Welch 2012: 146-148.

a year, however, Antonius had a free hand to develop the innovative visual language of both revenge and self-promotion that young Caesar would eventually rely on to advertise his own claims.

Figure 5: *RRC* 490/2. Gallia Cisalpina and Italy, ANS 1967.153.29

Two recent studies suggest that, as events unfolded, Antonius continued to use visual media in striking new ways. Kluczek re-examines the mysterious depiction of Sol on the reverse of *RRC* 496/1.[75] The obverse features Antonius' bearded portrait, a continuation of his imagery in 44 and 43. The legend on the reverse (III·VIR·R·P·C) dates the coin to 42. Kluzcek links the type with the *corona* denoting a change of fortune for the Roman state, a symbol which was also eventually harnessed by young Caesar (Kluzcek 2016: 103-104). In reviewing not just the iconography but also the technology of Antonius' coinage from 42, Carbone draws an even more startling but highly persuasive picture. She demonstrates that it was during his period of controlling the East, rather than in the subsequent Augustan age, that important and long-lasting changes were made to the metrology and the denominational system adopted in the production of Roman and provincial bronze coinage. Such important changes in how these interconnected monetary systems functioned should thus largely be credited to Antonius rather than to Augustus.[76] Once again, we are reminded that it is only in hindsight that young Caesar's talent for managing political and practical change can be seen as unique. From the time that Antonius was in a position of power until his defeat, he played an equal role, for better or worse, and his efforts have left important traces in our sources. Moreover, his words and symbols became the basis for that very "power of images" that was so important to young Caesar's eventual success.

75 Kluczek 2016: 102. For a history of Sol on coinage, Pérez Yarza 2019.

76 Carbone 2020. For a series of essays that give similar credit to many other players of the "Augustan" period, see Morrell – Osgood – Welch 2019.

5. Antonius the Inventor

Both Appian and Dio associate Antonius with a consistent set of qualities that run counter to the simple, somewhat naïve, character who was outsmarted by young Caesar. If we can accept that our surviving Greek historians preserve material that originally came from Antonius himself, words as well as coins reveal a character who was inventive, who wanted badly to promote himself as a major player, and was ready to adapt to the changing political landscape.

Antonius' skills as a maker of images set the agenda for how his enemies attacked him. Plutarch's biography, the longest of all his *Lives*, is a tale of lost or under-developed virtue rather than no virtue at all.[77] Comments on his faults suggest the collapse of a potentially great man rather than absence of greatness, or sorrow that he had not chosen a better path.[78] Antonius' enemies could not ignore him: they had to rise to the challenge he posed for them and each attempt took considerable effort.

Scholars should be wary of falling into the trap of seeing Antonius only as a foil. All too often, he is the "right-hand man" who was disappointed not to be named Caesar's heir; he is Cicero's enemy; Cleopatra's lover; the young Caesar's inevitable victim. Above all, Zanker's anodyne assessment should be rejected. In fact, Antonius made it very difficult for his enemies to defeat him. Cicero did not deliver such a lengthy series of speeches against anyone else and the war of words at the end of the thirties marks a difficult and hard-fought campaign. Appian does not make Antonius a great speaker without grounds and Dio would not closely associate him with the cardinal virtues without at least some reason to do so. When we stop to look at the period without the blinkers of hindsight, we realise that the "Triumvirate" means first three men, and then two, and, of those final two, it is the elder, Antonius, who creates and extends much of the visual imagery as well as some of the dominant oratorical tropes for which the era is famous.

77 Plut. *Demet.* 1; Duff 1999: 60-65; Pelling 2014: 150; Geiger 2014: 295-296.
78 Plut. *Brut.* 29.10; Pelling 1988: 269.

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IV
CRISIS AND RESTORATION AT ROME AND IN ITALY

CONSUMPTION, CONSTRUCTION, AND CONFLAGRATION:
THE ARCHAEOLOGY OF SOCIO-POLITICAL CHANGE IN THE TRIUMVIRAL PERIOD

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In his biography of Atticus, Cornelius Nepos wrote about the intense exchange of letters between his protagonist and Cicero: *Sic enim omnia de studiis principum, vitiis ducum, mutationibus rei publicae perscripta sunt, ut nihil in iis non appareat et facile existimari possit prudentiam quodam modo esse divinationem*.[1] Apart from poignantly encapsulating the crisis of the Roman Republic, Nepos' verdict, written from the vantage point of a roughly contemporary author, raises some pertinent questions when it comes to the pivotal years of the Triumviral period: How did these profound transformations, the *mutationes rei publicae*, have an impact on Roman society in the years between Caesar's assassination and the battle of Actium, and what was the role of material culture in this process?

In order to tentatively answer these questions, this paper will use a combination of archaeological and textual evidence, mainly focusing on construction and conspicuous consumption in the period of the Triumvirate.[2]

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1 Nep. *Att.* 16.4: "For such complete details are given of the rivalry of the chief men, the faults of the leaders, the changes of government [or rather: the transformations of the commonwealth], that there is nothing that they do not make clear, and it may readily appear that Cicero's foresight was almost divination." (transl. J. C. Rolfe).

2 For incisive accounts with a strong focus on material culture, see Zanker 1988; Gurval 1995; Osgood 2006 and 2014, and, with some reservations regarding the lack of political interpretation, Wallace-Hadrill 2008.

But how was the story of the fall of the Republic actually conveyed before the climax of 31 BCE, closer to the time of Atticus? Diodorus, writing in the 40s or 30s BCE, famously stated the following:

> In days of old the Romans, by adhering to the best laws and customs, little by little became so powerful that they acquired the greatest and most splendid empire known to history. But in more recent times, when most nations had already been subjugated in war and there was a long period of peace, the ancient practices gave way at Rome to pernicious tendencies. […] Throughout the city lavishness was preferred to frugality, a life of ease to the practice of warlike pursuits […] A jar of wine, for example, sold for a hundred drachmas, a jar of Pontic smoked fish for four hundred drachmas, chefs who were especially gifted in the culinary arts at four talents, and male concubines of striking physical beauty for many talents.[3]

Composing his works roughly in the same decade, and either referring to the fall of Carthage in 146 BCE or to the dictatorship of Sulla, Sallust famously wrote in the Preface to his *Histories*:

> And from that time, the manners of our ancestors were discarded not gradually, as previously, but after the fashion of a torrent; to such an extent was our youth corrupted by luxury and greed that it may rightly be stated that men were born who could neither maintain possession of their own property nor permit others to do so.[4]

Modern historians and archaeologists have often been skeptical of these ancient views. Frequently, they are rejected as rhetorical or moralising tropes, which, somehow, are conceived of as purely literary constructs. Indeed, such views *are* deeply moralising, and deliberately so. But it would be a mistake to discredit them on the basis of the underlying agenda they are supposed to convey. Ancient authors, and most noteworthy those who lived through the Triumviral period, obviously wanted to stress a strong link between *luxuria* and both the demise of the Republican political system and the outbreak of unprecedented violence and bloodshed.[5]

In line with what Diodorus and Sallust have to say, communities in Italy, from the late second to the end of the first century BCE, were indeed

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3 Diod. Sic. 37.3 (transl. F. R. Walton).

4 Sall. *Hist.* 1.13 (transl. J. T. Ramsey).

5 E.g. Sall. *Cat.* 10 f.; *Iug.* 41; *Hist.* frg. 11-2M; Liv. 39, 6, 7; Plin. *HN* 34.14, 34; 33.148; 37.12; Lintott 1972; Bringmann 1977; Gruen 1992: 69-70, 94-95 and 105-116; Wallace-Hadrill 2008: 315-317, 328-329 and 346-353.

expanding rapidly, experiencing both an intense process of social and cultural diversification and economic and political growth. Already before the start of the Second Punic War, Rome had achieved full hegemony in Italy by means of its intricate network of alliances – though mostly to the disadvantage of her allies. From the late third century onwards, this hegemony was extended to the whole of the Mediterranean over the course of only a few generations, first by the incremental conquest of the Iberian Peninsula and then by the rapid defeat of two major eastern kingdoms, the Seleucids and the Antigonids. The newly conquered territories not only yielded huge quantities of booty and plunder, but they also provided Rome with a staggering amount of valuable resources for sustainable exploitation, such as gold, silver, iron, copper, timber, grain, building stone and, last but not least, slaves.[6]

Closely linked to this process of expansion and conquest, literary sources and archaeology alike provide strong evidence for rapidly growing wealth and prosperity in second- and first-century Rome and Central Italy. Despite some discontinuities, the material record shows a clear tendency of increasing complexity and more widespread patterns of consumption in the same period.[7] However, the texts leave no room for doubt about the fact that the decades from 133 BCE to the dictatorship of Sulla and then from the 50s to Young Caesar's victory over Mark Antony and Cleopatra brought massive inner conflicts and frequent violent outbursts in Rome and Italy on a previously unknown scale, with the proscriptions and killings of the Triumviral period being only one especially devastating peak in a much larger wave of brutality.[8] We can assume that during this period a high percentage of the Italian population must have been seriously affected by violence and by the consequences of warfare, such as the lack of public order or the destruction of resources.

By contrast, classical archaeologists have dealt with the Triumviral period down to the battle of Actium under a set of very different auspices which can be boiled down to two core positions: firstly, the idea that the material culture, especially artworks, architecture and prestige objects, of

6 Hopkins 1978: 1-98; Harris 1985; Gabba 1990; Crawford 1992: 43-106; Jongman 2003; Rowan 2013: 361-366 and 373-381 as well as several relevant chapters in Hoyos 2013. Most recently: Allen 2019.

7 Maschek 2018: 53-64 and 120-144.

8 For collections of pertinent sources on late Republican violence, see Sherwin-White 1956; Jal 1961; Lintott 1968; Canfora 1980; Hinard 1985, 2011; Barrandon 2018.

the late Republican period more or less passively *reflect* the political and social disorder of the day. This view was perhaps most prominently elaborated by Paul Zanker in the poignant introductory chapter to his *The Power of Images in the Age of Augustus*.[9] Secondly, the last two decades have seen the emergence of the even more prevalent idea that late Republican material culture stands for multiple identities, hybridity, and the rise of consumerism which ultimately led to a 'cultural revolution', culminating in the principate of Augustus. This is the view exposed, amongst others, by Andrew Wallace-Hadrill in his monograph *Rome's Cultural Revolution*.[10] However, it is striking that the index to this magnificent work contains neither the phrase 'civil war' nor 'proscriptions' nor, indeed, 'violence'.[11] Here, in a book published in the very year of the 2008 financial crash, we get a gloomy, yet all the more intense, feeling of the unfettered optimism and belief in progress through economic growth that were so prevalent in the 1989-generation. With the doubtful benefit of hindsight it is now clear that this optimism was ill-founded, at least with respect to a large percentage of the world's population: in order to sustain economic growth and material complexity, a lot of people must suffer, and, eleven years after the publication of Wallace-Hadrill's book, it is fair to say that even in the wealthiest countries on earth today there is no simple formula which would eliminate social and political grievances through widespread prosperity and economic growth, let alone through the spread of democracy.[12]

Therefore, we should rather work on the assumption that both types of ancient sources, texts and archaeology, give us an essentially correct, albeit far from holistic, image of the situation in the Triumviral period: increasing material complexity, intensified consumption and large-scale building projects should not, in a knee-jerk-reaction, be taken as signs of a purely positive development towards the better or as a simple mirror-image of politics, but they, in *themselves*, could cause massive social disruptions and political upheaval. In order to better understand these complex and often seemingly

9 Zanker 1988: 5-31.

10 Wallace-Hadrill 2008: 315-440.

11 Cf. the critical reviews of Dench 2010 and Osborne – Vout 2010: 239-241.

12 Cf. the prophetic words of Francis Fukuyama: "The productivity of a modern economy cannot be achieved without the rational division of labor, and without creating winners and losers as capital shifts from one industry, region, or country to another." (Fukuyama 1992: 290).

inverse relations between material culture and socio-political tensions, a third way of approaching the evidence is needed, bringing together the literary sources and the archaeology, so as to take the moralising views of Diodorus, Sallust, and others seriously, without falling for the deliberate simplicity of their accounts. This is important because it allows us to take a fresh look at late Republican material culture, rather than seeing it as simply the reflection of political instability or, conversely, as the output of positive economic and cultural growth which happened more or less independent of politics.[13]

1. Transforming the city of Rome: monumental building projects in the Triumviral period

In order to illustrate this approach, the focus of this paper will be on the socio-political impact of public building in the city of Rome during the Triumviral period. When, in 14 CE, Augustus edited his *Res Gestae* for the very last time, he looked back at an impressive political career which had seen, last but not least, a profound material transformation of the city of Rome, as poignantly captured in the remark by Suetonius that Augustus had "found it built of brick and left it in marble" (Suet. *Aug.* 28.3).[14] But, of course, not even *Augustan* Rome was built or rebuilt in a day, and therefore it is well-worth revisiting the famous list of buildings in the *Res Gestae* (19-21) in order to get a better idea of what the city would have begun to look like in the ten years after Julius Caesar's assassination.[15]

The list starts with the Curia, the senate house in the Roman *forum*, and the adjacent Chalcidicum, with the senate house arguably being the strongest symbol of a fully functioning *res publica*. After the old Curia Hostilia had burned down in the riots of 52 BCE, a new building was perhaps already started by Caesar in 44 BCE and finished by Augustus in 29 BCE, together with the *forum Iulium*.[16] Next on the list after the Curia, Augustus names the

13 Maschek 2018; cf. Roth 2019: 11f.

14 For the astonishing urban development of Rome in the Augustan period, see Wallace-Hadrill 1993; Favro 1996; Purcell 1996; Walker 2000; Favro 2005.

15 Detailed commentary in Cooley 2009: 182-202.

16 For the fate of the Curia Hostilia, see Cic. *Fin.* 5.2; *Mil.* 90; Dio Cass. 40.49.2-3. For the potential initiation of the rebuilding by Caesar in 44 BCE, see Dio Cass. 44.5.1-2; Santangeli Valenzani 2006. For the completion of the Curia Iulia by Augustus in 29 BCE, see *RGDA* 19.1; Dio Cass. 51.22.1. Cf. Coarelli 1993c; Tortorici 1993; Zevi 1993; Haselberger

temple of Apollo and its porticoes on the Palatine, a complex which he started to build after the battle of Naulochus in 36 BCE, in close proximity to his own house[17]; then he moves back to the *forum Romanum*, down to the temple of Divus Iulius, which was begun by the Triumvirs in 42 BCE, completed by Young Caesar and dedicated on the 18th of August 29 BCE.[18]

Considering the respective timeframes, all three buildings are strongly connected with the formative period of the Triumvirate, and, clearly, they were selected with great care by Augustus in order to express three key themes: First, the importance of restoring the *res publica* and a functioning senate, as encapsulated in the restored Curia; second, divine support for the author of the *Res Gestae*, Augustus, or rather, young Imperator Caesar, Divi Filius, the favourite of Apollo; and third, the *pietas* of the adopted son towards his adoptive, but more importantly, his *deified* father, as expressed in the temple of Divus Iulius, which, strictly speaking, he did not build himself but together with Mark Antony and Lepidus who, for obvious reasons, were omitted from the text of the *Res Gestae*.

But there are yet more buildings from the Triumviral period to be found in the *Res Gestae*. The first of these is the Porticus Octavia, originally built by the naval praetor Cn. Octavius at some point between 167 and 163 BCE after his *triumphus navalis* in which he celebrated his victory against the fleet of king Perseus in the Third Macedonian War. After a fire, Young Caesar restored it, exhibiting there the military standards regained from the Dalmatians in 33 BCE.[19] Although we lack a secure date for this restoration, the connection with the Dalmatian campaigns strongly indicates a starting date for these restorations sometime before the battle of Actium, although a

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2002: 99. As confirmed by recent excavations, the Augustan Curia Iulia was built in conjunction with the *forum Iulium* and responded to the change in the *forum*'s original design; see Delfino 2014: 136-225 and 248-256.

17 For the temple of Apollo Palatinus, dedicated on 9 October 28 BCE, and *area Apollinis*, see Gros 1993; Rodríguez Almeida 1993; Claridge 2000; Haselberger 2002: 46-47, 52-53 and 202-203; Iacopi – Tedone 2005-2006; Hekster – Rich 2006; Zink 2008, 2009, 2012; Wiseman 2014; Pensabene – Gallocchio 2017: 158-161; Wiseman 2019: 16-29, 122-139.

18 *RGDA* 19.1; Dio Cass. 47.18.4 and 51.22.2; Weinstock 1971: 385-401; Coarelli 1985: 172-175, 230-233, 258-259, 265-269 and 308-323; Zanker 1988: 79-82; Gros 1996; Haselberger 2002: 103-104; Stamper 2005: 109-111; Phillips 2011.

19 *RGDA* 19.1; Festus, *Gloss. Lat.* 188; App. *Ill.* 28. Cf. Dio Cass. 49.43.8, who confuses the Porticus Octavia with the Porticus Octaviae.

link with Young Caesar's triple triumph in 29 BCE cannot be completely excluded.[20]

Next on the list, there is the temple of Quirinus, deified Romulus, on the Quirinal Hill. The ancient building burned down in 49 BCE, was restored by Caesar in 45 BCE and dedicated by Augustus in 16 BCE. Given the colossal size of this temple, a 30-year-period for its construction does not seem implausible, and it is quite probable that, as one of his adoptive father's projects, Young Caesar would already have put some effort and money into the building works before the battle of Actium.[21] The same is certainly true for three other monumental projects included in the list: First, the Basilica Iulia, unfinished yet dedicated by Caesar in 46 BCE, and completed by Augustus at some point before 12 BCE, when it burned down and was completely rebuilt, to be finally dedicated in the names of his grandsons Gaius and Lucius in 12 CE.[22] Second, the *forum Iulium*, which was completed by Augustus, after having been dedicated by Caesar in 44 BCE;[23] third, the Theatre of Marcellus, started by Caesar in 44 BCE and dedicated by Augustus either in 13 or 11 BCE, although the building must already have been functional at an earlier stage as the *ludi saeculares* of 17 BCE were partly held in the theatre.[24] Although the Basilica, *forum*, and theatre were all officially dedicated under the Principate, their close connection with Caesar makes it highly probable that Young Caesar had already been spending money on them in the 40s and 30s BCE as part of his rather aggressively promoted public image as the one and only *divi filius*.

Equally, the *forum Augustum* and the temple of Mars Ultor both had strong links to the very first years of Young Caesar's political career. Although the monumental complex was only dedicated in 2 BCE, the temple had

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20 Olinder 1974; Wiseman 1976; Gros 1977; Zevi 1977; Coarelli 1997: 515-528; Viscogliosi 1999a; Haselberger 2002: 205-206; Senseney 2011; Albers 2013: 261-262; De Stefano 2016: 105.

21 Cic. *Att.* 12.45.2 and 13.28.3; *RGDA* 19.1; Dio Cass. 41.14.2-3, 43.45.2 and 54.19.4; Gros 1976: 115-119; Coarelli 1999a; Haselberger 2002: 214.

22 Jer. *Ab Abr.* 1971; *RGDA* 20.3; Giuliani – Verducchi 1993; Haselberger 2002: 66.

23 Morselli – Tortorici 1989; Amici 1991; Ulrich 1993; Westall 1996: 84-88; Santangeli Valenzani 2006; Delfino 2014; Davies 2017: 245-275. On Caesar's building projects in the Campus Martius, cf. Coarelli 1997: 539-602.

24 *RGDA* 21; Plin. *HN* 8.65; Dio Cass. 54.26.1; Fidenzoni 1970; Ciancio Rossetto 2000; Haselberger 2002: 242; 2007: 137 and 155; for the *ludi saeculares*, cf. *CIL* 6.32323.157.

been obviously vowed before the battle of Philippi in 42 BCE and directly referred to Young Caesar's *pietas* avenging the death of his adoptive father. Moreover, according to Suetonius, the *forum Augustum* was already opened before the temple was finished. Work on it could thus well have begun in the earlier 30s BCE.[25]

Last but not least, we should not forget the colossal infrastructure projects of the later Triumviral period included in the *Res Gestae*: hidden behind the rather laconic remark that he, Augustus, restored the fresh water supply for the city of Rome, which, in principle, could refer to his restorations carried out between 11 and 4 BCE, lies a series of massive aqueducts which had already been repaired or fully rebuilt by Agrippa in 33 BCE: The Aqua Appia, the Aqua Marcia, the Aqua Tepula, and the Anio Vetus, not to forget the substantial 23 kilometres of the Aqua Iulia, built from scratch by Agrippa perhaps as early as 40 BCE, but certainly completed by 33 BCE.[26]

After this rather sweeping look at the major building projects in the city of Rome associated with Young Caesar during the Triumviral period, it is instructive to set these against other contemporary monumental buildings from Rome that are *not* mentioned in the *Res Gestae*. Compiling a list in chronological order, the result would look roughly like this: first, the new Rostra on the *forum Romanum*, which was dedicated by Young Caesar in 42 BCE, incorporating an earlier speaker's platform built by Julius Caesar.[27] In

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25 Vell. Pat. 2.100; Suet. *Aug.* 29.1; Dio Cass. 55.10 and 60.5.3; Macrob. *Sat.* 2.4.9; Kockel 1983: 439-443; Kockel 1995; Haselberger 2002: 130-131; Ungaro 2004: 19-24; 2007: 150-159.

26 For the Aqua Appia being repaired by Agrippa in 33 BCE, cf. Frontin. *Aq.* 9.9; *RGDA* 20.2 refers to the repair works of Augustus between 11 and 4 BCE (cf. Frontin. *Aq.* 125); Mucci 1993; Haselberger 2002: 47-48. For the Aqua Iulia being completed by Agrippa in 33 BCE, see Frontin. *Aq.* 9.1-2, though perhaps already in 40 BCE (cf. Dio Cass. 48.32.3); Cattalini 1993a; Haselberger 2002: 48. The Aqua Marcia was repaired by Agrippa in 33 BCE (Frontin. *Aq.* 9.9) and by Augustus from 11 to 4 BCE (*RGDA* 20.2; Frontin. *Aq.* 125; *CIL* 6.1244), including the addition of the Aqua Augusta, a secondary line; Cattalini 1993b; Haselberger 2002: 48. The Aqua Tepula was fundamentally repaired by Agrippa in 33 BCE (Frontin. *Aq.* 9.1-2; 19.3), then again by Augustus between 11 and 4 BCE (*RGDA* 20.2; Frontin. *Aq.* 125); Cattalini 1993c; Haselberger 2002: 49. The Anio Vetus was repaired by Agrippa in 33 BCE (Frontin. *Aq.* 9.9) and by Augustus in the period between 11 to 4 BCE (*RGDA* 20.2; Frontin. *Aq.* 125; *CIL* 6.1243, 31558); Mari 1993; Haselberger 2002: 45. For Agrippa's massive military construction project of Portus Iulius see Rosillo-López's chapter in this volume.

27 Diod. Sic. 12.26; Dio Cass. 43.49.1; Coarelli 1985: 237-257; Verducchi 1999; Haselberger 2002: 216.

the same year, the consul Lucius Munatius Plancus rebuilt the temple of Saturn on the *forum*,[28] and perhaps also the temple of Diana Planciana on the Quirinal Hill, although this may also have come later in his distinguished career.[29] At some point after 44 BCE, the new Saepta, planned by Caesar as early as 54 BCE, was completed by the Triumvir Lepidus, but only dedicated under the name Saepta Iulia by Agrippa in 26 BCE.[30] In 41 BCE, the sacred precinct of the temple of Juno Lucina on the Esquiline Hill was built by the *quaestor urbanus* Quintus Pedius, the son of Young Caesar's cousin and former co-consul of the same name, for the significant sum of 380,000 sesterces. Pedius presumably completed a building project that had been started by his father before his untimely death in 43 BCE, with the precinct wall of the sanctuary being the final task of the original commission.[31] Roughly two years later, in 39 BCE, the old Caesarian Asinius Pollio, after his military campaign in Illyria, substantially restored the *Atrium Libertatis,* the seat of the censors, which simultaneously served as an archive, a public library, and an art gallery.[32]

A couple of buildings are only known from coin images. On a series of *aurei* of Gnaeus Domitius Ahenobarbus, who went on to become consul in 32 BCE, we see a tetrastyle, pseudo-peripteral temple for Neptune on a high podium, possibly celebrating the naval victory of Brundisium against Gnaeus Domitius Calvinus in 42 BCE, on the very day of the battle of Philippi. Ahenobarbus was one of the assassins' most capable naval commanders, and he stayed in the East until 39 BCE, fighting on after Philippi. He then went over to Mark Antony, was pardoned by the Triumvirs and even held the consulship with Gaius Sosius in 32 BCE, before he left Rome and died on the eve of the battle of Actium. In 36 BCE, he had fought with Antony in the East and stayed there until 33/32 BCE, but he could still have worked on his temple of Neptune in Rome in the earlier 30s, sometime between 39 and 37/36 BCE.[33] Equally, a denarius of Mark Antony from 42 BCE has been

28 Suet. *Aug.* 29.5; *CIL* 6.1316; 10.6087; Gros 1976: 210; Pensabene 1984: 9-13, 47-48, 151-152, 179; Coarelli 1999b; Haselberger 2002: 220.

29 Panciera 1987; Haselberger 2002: 102.

30 Cic. *Att.* 4.16.8; Dio Cass. 53.23.1-2; Gatti 1999; Haselberger 2002: 219; Albers 2009: 7-9.

31 *CIL* 6.358; Giannelli 1996; De Spirito 2000; Haselberger 2002: 153.

32 Suet. *Aug.* 29.5; Coarelli 1993a; Purcell 1993; Amici 1995-1996; 2000; Haselberger 2002: 59-60.

33 *RRC* 527 no.519 pl. 62 figs. 100-101; Viscogliosi 1996b; Coarelli 1997: 397-446; Tucci 1997: 25; 2000; Haselberger 2002: 181.

seen as evidence for the Triumvir's involvement in building, or at least planning, a temple of Sol, although it is unclear whether this would have been located in the city of Rome.[34] Another famous coin series refers to an arch commemorating the victory at Naulochus in 36 BCE, whose location in the *forum Romanum* has been intensely, and inconclusively, debated in the scholarship.[35] Next door to the alleged site of this arch, we are on more solid ground with respect to the architectural remains of the *Regia*, which had burned down in 36 BCE and was immediately restored by the staunch Caesarian and follower of Young Caesar, Cn. Domitius Calvinus, who had been consul twice, in 53 and 40 BCE.[36] Presumably a few years later, Lucius Cornificius, another of Young Caesar's generals and consul in 35 BCE, rebuilt or restored the temple of Diana on the Aventine Hill.[37]

In the *forum Romanum*, the old Basilica Fulvia et Aemilia was rebuilt around the year 54 BCE by Lucius Aemilius Paullus, who went on to hold the consulship in 50 BCE, and it was dedicated by his son Paullus Aemilius Lepidus, a follower of Young Caesar, as suffect consul in 34 BCE, with the name of Basilica Paulli.[38] In the Campus Martius, the victorious general Gaius Sosius, a follower of Mark Antony who would move on to the consulship in 32 BCE, rebuilt the temple of Apollo Medicus after celebrating a triumph from Judaea in September 34 BCE.[39] Not too far from this temple, and indeed

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34 *RRC* 496.1; Prayon 1982: 320-321; Woytek 2003: 492. However, this coin series should not be seen as definitive evidence for the construction of a temple to Sol by Mark Antony, as it was probably issued by a Greek mint and could also refer to the sacking of the temple of Helios on Rhodes by Cassius (App. *B Civ.* 4.73; Dio Cass. 47.33.4) and a subsequent promise of vengeance and restitution to the Rhodians by Mark Antony: Ryan 2005: 84-86.

35 Mattingly–Sydenham, *RIC*² 267. Coarelli 1985: 258-268 and Gurval 1995: 39-41 and 47-64 see the simple arch on these coins as a monument for the battle of Naulochus (cf. Dio Cass. 49.15.1-3). More commonly, however, the coin's imagery has been interpreted as a monument celebrating the battle of Actium (referred to in Dio Cass. 51.19.1): e.g. Nedergaard 1988: 224-225; Lebek 1991: 49. Most recent discussions are in agreement that the Naulochus arch was actually never built: Lange 2009: 34; Baas 2015: 113-114; Freyberger – Ertel 2016: 122; Lange 2016: 130; 195.

36 Dio Cass. 48.42.4; *CIL* 6.1301; Scott 1999; Haselberger 2002: 214-215.

37 Suet. *Aug.* 29.4; Vendittelli 1995; Haselberger 2002: 101-102.

38 Cic. *Att.* 4.16.8; App. *B Civ.* 2.26; Plut. *Caes.* 29.3; Dio Cass. 49.42.2; Bauer 1988, 1993; Mattern 1997; Haselberger 2002: 66; Lipps 2011: 17-19; Freyberger – Ertel 2016: 59-61.

39 *Inscr. Ital.* 13.1.86-87 (Fasti Capitolini), 342-343 (Fasti Barberiniani); Itgenshorst 2005: no.282. On the temple: La Rocca 1988; Viscogliosi 1993a, 1996a; Haselberger 2002: 45-46.

very close to the Porticus Octavia, Young Caesar's stepbrother and suffect consul of 38 BCE, Lucius Marcius Philippus, built the lavish Porticus Philippi and restored the temple of Hercules Musarum after his Hispanic triumph in 33 BCE.[40] This was mirrored by another consul of 38 BCE, Appius Claudius Pulcher, who rebuilt the Temple of Bellona, next door to the temple of Apollo Medicus, again after a triumph from Hispania.[41] Finally, the mausoleum of Augustus, finished in 28 BCE but probably already started before the battle of Actium, is not mentioned in the *Res Gestae*, for the obvious reason that the colossal tomb was the very place where the bronze tablets of the published text were actually meant to be put on display.[42]

This list of monumental buildings from the Triumviral period is a striking illustration of the fundamental social and political changes after Julius Caesar's death. Interestingly, Mark Antony himself does not feature prominently in this building frenzy, apart from his involvement in the construction of the temple of Divus Iulius and perhaps a temple of Sol.[43] Amongst the followers of Antony, only Munatius Plancus in 42 BCE, Domitius Ahenobarbus in the early 30s BCE, and Gaius Sosius around 34 BCE were involved in major building projects. By contrast, Young Caesar fully exploited his position as Julius Caesar's heir. Together with Agrippa and his most loyal commanders, such as Asinius Pollio, Domitius Calvinus, Lucius Cornificius, and Marcius Philippus, who mainly acted in their capacity as consuls, suffect consuls, and *triumphatores*, Young Caesar took over public construction in the city of Rome after 44 BCE (Tab. 1).[44] Out of 26 building projects from the Triumviral period in Rome, no less than 20 were financed either by Young Caesar or his partisans, including the completion of 7 buildings started by Julius Caesar as well as the radical overhaul of the city's public infrastructure by Agrippa as sole aedile in 33 BCE. In the same period, Mark Antony and his followers were only involved in five major projects; Lepidus features in no more than two.

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40 Tamm 1961; Richardson, jr. 1977; Castagnoli 1983; Coarelli 1997: 452-484; Viscogliosi 1999b; Haselberger 2002: 206-207; De Stefano 2014; Albers 2015.

41 La Rocca 1987: 366; Viscogliosi 1993b; Haselberger 2002: 66-67; De Nuccio 2011.

42 Suet. *Aug.* 100; Kraft 1967; von Hesberg – Panciera 1994: 54-55; Haselberger 2002: 166-167; 2007: 65, 93, 95 and 258.

43 Roller 2007 offers a revisionist, albeit ultimately unconvincing, attempt to salvage a "lost building program" of Mark Antony from the literary sources.

44 For the activity of the late Republican to early Augustan *triumphatores* in the Campus Martius, cf. La Rocca 1987 and, recently, De Stefano 2016.

2. The socio-political dimension of public building in Triumviral Rome

In terms of structure and scale, it is instructive to compare this Triumviral building activity in Rome with the scope and organisation of public construction under Sulla and in the decade after his death.[45] Three new temple buildings and two restorations were commissioned by the dictator Sulla: a sanctuary of Hercules Sullanus; a sanctuary of Ma/Bellona; the temples of Venus Felix, Hercules Custos, and Jupiter Optimus Maximus on the Capitoline Hill.[46] The young Pompey the Great saw to the restoration of a temple of Hercules (Pompeianus) either as early as 81 BCE or after his return from the Sertorian War in 71 BCE.[47] After Sulla's death, a temple of Castor and Pollux was founded in the Circus Flaminius, probably commissioned by Caecilius Metellus Pius after his return from Hispania in 71 BCE.[48] Quintus Lutatius Catulus, the consul of 78 BCE, acted as *curator restituendi Capitoli*, building the *substructio* of the so-called "Tabularium" and continuing work on the Capitoline temple of Jupiter, which he dedicated in 69 BCE.[49] In 75 BCE, the consuls Lucius Octavius and Gaius Aurelius Cotta gave out contracts for the maintenance and restoration of multiple public buildings, including temples. These public works were overseen by the praetors Gaius Licinius Crassus Sacerdos and Marcus Caesius, followed by Gaius Verres and Publius Coelius in the subsequent year.[50]

Apart from temples, Sulla rebuilt and enlarged the Curia Hostilia, including substantial rebuilding work on the Basilica Porcia, the Comitium,

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45 Coarelli 1977: 22; Davies 2017: 183-214.

46 Hercules Sullanus (either a statue or a temple): Palombi 1996a; Thein 2003: 137; Ma/Bellona: *CIL* 6.490; 3674 = 30851; Mart. 12.57.9-11; Plut. *Sull.* 9; Viscogliosi 1993c; 2000; Venus Felix: *CIL* 6.781, 782, 8710, 32451, 32468; Chioffi 2000; Hercules Custos: Ov. *Fast.* 6.209-212; Ziólkowski 1992: 50-56; Viscogliosi 1996c; Keaveney 2005: 156-157; Jupiter Optimus Maximus: Cic. *Cat.* 3.9; Sall. *Cat.* 47.2; Plin. *HN* 33.16; Plut. *Publ.* 15.1-2; Tac. *Hist.* 3.72.3; Plut. *Mor.* 379D; De Angeli 1996; Keaveney 2005: 108-114. On the attested temples in the period between 80 and 60 BCE, see Davies 2017: 185-199 with extensive sources.

47 Coarelli 1988: 77-84; Ziólkowski 1992: 46-50; Coarelli 1996.

48 Vitr. *De arch.* 4.8.4; Plut. *Pomp.* 2.4; Coarelli 1993b; 1997: 504-515.

49 'Tabularium' (*substructio*): *CIL* 6.1313, 1314, 31597; Tucci 2005; Coarelli 2010; Capitoline temple of Jupiter: Aul. Gell. 2.10.2; Cic. *Verr.* 2.4.69; Liv. *Per.* 98.

50 Cic. *Verr.* 2.1.130; Nielsen *et al.* 1992: 262-266.

the Rostra, and the Graecostasis.[51] Moreover, Sulla ritually extended the *pomerium*.[52] Appius Claudius Pulcher, the consul of 79 BCE, decorated the temple of Bellona with shields bearing ancestral portraits of the gens Claudia;[53] Marcus Aemilius Paullus did the same in 78 BCE with the Basilica Fulvia et Aemilia.[54] In the *forum Romanum*, Gaius Aurelius Cotta, the consul of 75 BCE, and/or his brother Marcus Aurelius Cotta, consul in 74 BCE, built the *tribunal Aurelium* and the *gradus Aurelii*. Moreover, they also commissioned a new travertine pavement of the *forum* area, including the installation of tunnels and underground facilities for the staging of games in ephemeral amphitheatres.[55]

The structural contrast between the Sullan building projects and the Triumviral period is significant. In the decade between 80 BCE and 69 BCE, the men who were in charge of public building, apart from Pompey, exclusively came from a generation born between 140 and 120 BCE; they survived both the Social War and the first Civil Wars as victors and were now active in public construction in their capacities as magistrates, very much in the same vein as their fathers and grandfathers had been throughout the third and second centuries BCE.[56] However, it is significant that after Sulla had retired, the organisation of public building did not fully revert to the second century practice of being mainly within the remit of the censors and *triumphatores*. By contrast, religious and public building projects were now mostly taken up by consuls and praetors.

In the Triumviral period, this situation changed fundamentally: whilst, in the time of Sulla, the 21-year old military prodigy Pompey was the clear

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51 Cic. *Fin.* 5.2; Plin. *HN* 34.21; 34.26; Dio Cass. 40.50.2-3; Coarelli 1985: ch. 2; 1993c; Amici 2004-2005.

52 Aul. Gell. 13.14.1; Sen. *Dial.* 10.13.8; Tac. *Ann.* 12.23; Dio Cass. 43.50.1; Liv. 1.44.3; Thein 2002: 77. 348-351; Keaveney 2005: 159; Andreussi 1999: 101.

53 Plin. *HN* 35.12; De Nuccio 2011: 196.

54 Plin. *HN* 35.13; *RRC* 419/3; Lipps 2011: 17-18; Russell 2016: 92-93.

55 Festus, *Gloss. Lat.* 416L; Coarelli 1983: 159-160; 172; 1985: 190-202 and 209; Kondratieff 2010: 101-110. The Cotta-brothers were praetors in 78 BCE and 77 BCE, respectively, when the works could also have been conducted. For the ephemeral amphitheatres, see Welch 2007: 36-71, who misleadingly attributes these installations to the time of Julius Caesar. Moreover, it is possible (albeit not certain) that the epigraphically attested "Horrea Seiana" close to the Horrea Galbana in the Testaccio area were built by the aedile Marcus Seius in 74 BCE: *CIL* 6.238, 36778, 36783, 36786-87, 36819; Palombi 1996b.

56 On censorial and manubial building in the third and second centuries BCE, see Pietilä-Castrén 1987; Ziólkowski 1992; Aberson 1994; Orlin 1997; Bastien 2008; Davies 2017.

exception amongst the commissioners of public buildings, we now see a mix of younger and older politicians commissioning monumental architecture from the late 40s throughout the 30s BCE, with the extraordinarily youthful figures of Young Caesar and his friend Agrippa taking the leading roles. As opposed to Sulla's five, Young Caesar was directly involved in not fewer than *sixteen* huge building projects, and also the vast majority of those men who acted as commissioners in public construction came from the "inner circle" of his most trusted commanders, friends, and relatives, many of whom were suffect consuls, ordinary consuls or *triumphatores*.[57] Although some of their experience with monumental architecture, through precedent and recollection, must have gone back to the Sullan period, they were perhaps even more influenced by Pompey's and Julius Caesar's grandiose projects of the 50s BCE. Both Pompey and Caesar had instigated a revival of the second century BCE practice of manubial building in the city of Rome: the former investing his booty from the wars in the East in a lavish theatre-complex, the latter spending huge sums on his new *forum* and other grand designs.[58]

This was the pattern largely followed by Young Caesar and his "inner circle" of trusted friends and followers. By taking over the major building activities in the city of Rome and often paying for them from their private funds or the spoils of war, they put themselves in control of a constant and considerable flow of money, workmen, building materials and valuable resources. The organisation of public building in Rome in the late 40s and 30s BCE, therefore, was not a mere reflection but rather an important *facilitator* of the massive socio-political transformation which Ronald Syme already highlighted in his *The Roman Revolution*: the breakdown of traditional social generations due to the promotion of military men from sometimes quite obscure backgrounds.[59] Power was grabbed and shared within this clique whose members often had not gone through the traditional age-structure of the Roman *cursus honorum* but now manifested their

57 In 36 BCE no aediles were appointed (for lack of candidates), but praetors and tribunes of the plebs fulfilled their tasks (Dio Cass. 49.16.2), whereas in 33 BCE Agrippa was aedile without colleagues (Dio Cass. 49.43.1-5), see Pina Polo's chapter in this volume.

58 Russell 2016: 153-186; Davies 2017: 215-275.

59 Syme 1939: 129-133, 233-242 and 372. This crucial aspect of the Caesarian and Triumviral periods (*contra* Millar 1973) has been recently brought again into sharp relief with respect to the suffect consuls of the 40s and 30s BCE by Pina Polo 2018. For the crucial importance of money, investment, and public spending during the Triumviral period see the chapters by Rosillo-López and García Morillo in this volume.

intentions through the aggressive way in which they appropriated public and sacred spaces in Rome.

Overall, the Triumviral building activity in the city of Rome which, since Zanker, has traditionally been interpreted in terms of its ideological messages and symbolic connotations should also be understood as one of the major causes of the profound rupture in the socio-political fabric which happened in the aftermath of Julius Caesar's assassination.

3. Beyond the epicentre of power: funerary monuments in the Triumviral period

But this phenomenon, as we see it reflected in the list of buildings in the *Res Gestae* and by the extant archaeological and architectural remains in the city of Rome, was by no means confined to the upper ranks of the senatorial elite. As already mentioned at the outset of this chapter, the increase of material complexity and widespread conspicuous consumption during the Triumviral period also indicates a new degree of change that affected *larger* segments of society. The archaeological evidence from central Italy offers a wide range of examples, such as the size and decoration of houses and villas, the quantity of silverware, pottery, amphorae, and animal bones, the percentage of imported foodstuffs and much more.[60] One particularly significant corpus of indicative material is constituted by the well-known group portraits from late Republican and early Imperial monumental tombs in Rome's *suburbium* and in Latium. Zanker and many other scholars saw these monuments as clear evidence for the self-representation of a new class of social upstarts, mainly freedmen and their families, who profited from the new period of peace after the battle of Actium.[61] By emulating the representation of the traditional upper classes, especially with respect to dress and hairstyles, this new class would have demonstrated the pride attached to their achievements.

However, this conventional explanation is plainly contradicted by the chronological distribution of these monuments. The *earliest* reliefs with such funerary group portraits come from the times of Sulla, and not all of them

60 Wallace-Hadrill 2008; Maschek 2018: 120-226.

61 Zanker 1975; Kleiner 1977; Frenz 1985; Kockel 1993; Mayer 2012: 43-44 and 105-137.

depict freedmen. The numbers peak in the last twenty years of the Republic and in the first two decades after the end of the Civil Wars, with the Triumviral period obviously being the pivotal phase of the development (Tab. 2).[62] Considering that these reliefs were, without exception, part of conspicuous funerary monuments, it is evident that the process which Zanker positively labelled as "upward social mobility" was much more closely linked to the dramatic social upheavals of the Civil Wars of the 40s and 30s BCE than to the peace after Actium. Furthermore, the reliefs with known contexts come exclusively from the cemeteries of either Rome or small and middle-sized towns in central and Southern Italy. They therefore firmly belong to the *urban* sphere and refer to a very particular segment of urban society in parts of the Apennine peninsula which had been heavily affected by the Social War and the ensuing phases of internal conflicts.

Moreover, the reliefs' composition, without any obvious precedents in earlier Republican art, places a strong emphasis on groups of three and more individuals. Frequently, we find parents flanking their children, in particular sons, mostly in military attire or heroic nudity, and always wielding prominent symbols of social status such as the equestrian ring or the sword with the eagle-headed hilt, which was the preserve of military tribunes.[63] Their idiosyncratic qualities make it very clear that these reliefs were not the result of a simple trickle-down effect, from the elite to the lower classes. Rather they should be interpreted as the products of a very specific, indeed unique, historical context: they are signs of a ruptured society, ridden with crisis. In several waves of violent purges and clashes since the 90s of the first century BCE and then in particular during the Triumviral period, traditional ties of kinship and authority were shattered and destroyed, as is well illustrated in the famous accounts of the proscriptions.[64] This climate made it possible for the so-called "social climbers" to emerge and to find their own style of visual expression, not by emulation of their social betters but by artistic *invention*: a style that put a strong emphasis on family relations and individual achievement. This new imagery significantly was not represented in the same numbers after the end of the first century BCE and was therefore clearly tied to the Civil War generations.

62 The dates follow the stylistic assessment provided in Kockel 1993.
63 Devijver – van Wonterghem 1990; Osgood 2006: 251-297; Maschek 2018: 234-241.
64 Canfora 1980; Hinard 1985, 2011; Osgood 2006: 62-82; 2014: 52-60.

4. Conclusion

Taken together, the examples of public building and funerary monuments from the Triumviral period make it very clear how the *mutationes rei publicae* actually worked in practice: increasing material complexity did not unfold in isolation nor did simply point to the path of prosperity, but in itself was a critical factor for socio-political change. Beyond the senatorial elite, wider segments of society were affected by internal violence, but, compared with previous periods, they also acquired considerably more wealth and the means for conspicuous consumption and representation, as seen in the funerary monuments of Rome and central Italy. Through the construction of such lavish tombs, the commissioners would actively participate in the transformation of society, not least by infusing part of their newly gained wealth into local, mostly urban, networks of production and supply. This is even more pertinent in the case of public building in Rome, where Young Caesar and a small number of his most loyal followers instigated a massive process of spending and redistribution that would have mostly benefitted the urban *plebs*. Scholars in the past have largely focused on the pressing issue of veteran settlement throughout the Triumviral period, but public building was obviously an equally crucial field of investment and, ultimately, a prime opportunity for the budding regime to establish strong networks of patronage in the city of Rome.

This huge motivation to spend, consume, and construct, from the top of the hierarchy around Young Caesar to the military tribunes and freedmen in the *suburbium* of Rome, was the real socio-political face of what Cornelius Nepos poignantly described as *mutationes rei publicae*. Internal conflict fuelled conspicuous spending and consumption and *vice versa*. It is therefore fitting to conclude with a quote from Seneca the Elder's *Controversiae*, which, given the information and the chronology of his work, can only refer to the post-Sullan and pre-Augustan period and reminds us of what Diodorus and Sallust had written about the breakdown of the Republican order: "When we were poor, times were peaceful; when the Capitolium was gilded we fought civil wars."[65]

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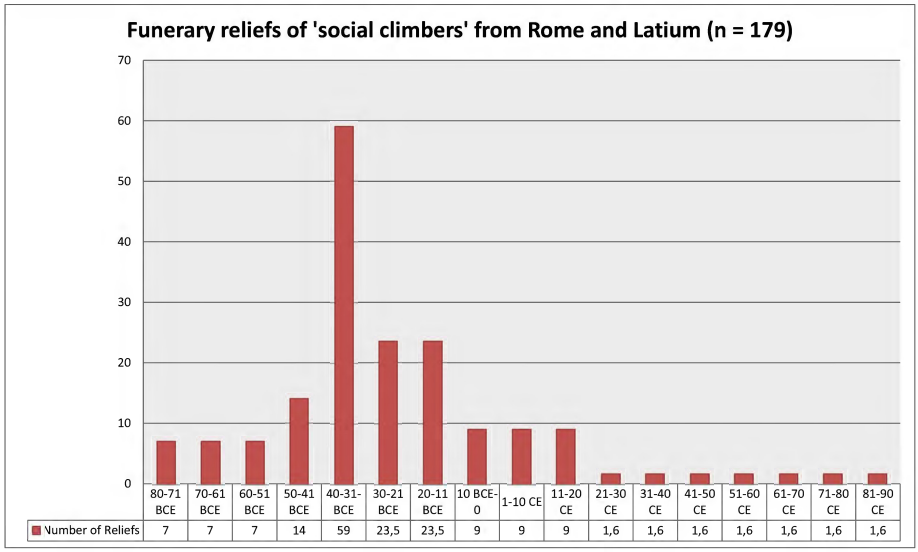
65 Despite the fictitious nature of the late Republican speeches collected in Seneca's *Controversiae* (Fairweather 1981: 1-49), the quotation mentioning the "gilded Capitolium" must refer to the Capitoline temple of Jupiter in Rome which burned down in the fighting of 83 BCE and was then restored and richly adorned by Q. Lutatius Catulus who dedicated it in 69 BCE. The attribute "gilded" is a clear hint at this luxurious refurbishment which also

TABLE 1
MONUMENTAL BUILDING PROJECTS
IN ROME DURING THE TRIUMVIRAL PERIOD
(ELABORATION: AUTHOR).

Building - Date	*Commissioner(s)*	*Agency / Allegiance*		
Saepta (lulia) *-54-26 BCE*	Julius Caesar (54) - Lepidus (post 44)-Agrippa (26)	Julius Caesar	Lepidus	Young Caesar
Basílica lulia *-46- befare 12 BCE*	Young Caesar (Julius Caesar)		Young Caesar	
Temple of Quirinus *-45-16 BCE*	Young Caesar (Julius Caesar)		Young Caesar	
Curia - *44-29 BCE*	Young Caesar (Julius Caesar)		Young Caesar	
Forum lulium - *44-?29 BCE*	Young Caesar (Julius Caesar)		Young Caesar	
Theatrum Marcelli *-44-13/11 BCE*	Young Caesar (Julius Caesar)		Young Caesar	
Rastra lulia - *42 BCE*	Young Caesar (Julius Caesar)		Young Caesar	
Temple of Saturn *-42 BCE*	L. Munatius Plancus, cos. 42		Mark Antony	
?Temple of Sol *-42 BCE*	Mark Antony		Mark Antony	
Temple of Divus lulius - *42-29 BCE*	Young Caesar, Mark Antony, Lepidus	Mark Antony	Lepidus	Young Caesar
Forum Augustum, Temple of Mars Ultor *-44-2 BCE*	Young Caesar		Young Caesar	
Temple of Diana Planciana - *?42 BCE*	L. Munatius Plancus, cos. 42		Mark Antony	
Temple of Juno Lucina *-41 BCE*	Q. Pedius, *quaestor urbanus*		Young Caesar	
Aqua Appia, Aqua Marcia, Aqua Tepula, Anio Vetus, Aqua lulia - *?40 BCE, 33 BCE*	Young Caesar, Agrippa		Young Caesar	
Atrium Libertatis - *c. 39 BCE*	C. Asinius Pollio, cos. 40 BCE		Young Caesar	
?Temple of Neptune *-39-37/6 BCE*	Cn. Domitius Ahenobarbus, cos. 32 BCE		Mark Antony	
Temple of Apollo Palatinus *-36 BCE*	Young Caesar		Young Caesar	
?Arcus Augusti (Naulochus) - *36 BCE*	SPQR		SPQR	
Regia - *36 BCE*	Cn. Domitius Calvinus, cos. 53 and 40 BCE	Julius Caesar		Young Caesar
Temple of Diana *-36-34 BCE*	L. Cornificius, cos. 35 BCE		Young Caesar	
Basílica Paulli - *34 BCE*	Paullus Aemilius Lepidus, cos. suff. 34 BCE		Young Caesar	
Temple of Apollo Medicus- c. *34 BCE*	C. Sosius, cos. 32 BCE	Mark Antony		(Young Caesar)
Porticus Philippi & Temple of Hercules Musarum - *after 33 BCE*	L. Marcius Philippus, cos. 38 BCE		Young Caesar	
Temple of Bellona - *a/ter 33/2 BCE*	Ap. Claudius Pulcher, cos. 38 BCE		Young Caesar	
Porticus Octavia - *33/2-29 BCE*	Young Caesar		Young Caesar	
Mausoleum Augusti - *?31-28 BCE*	Young Caesar		Young Caesar	

TABLE 2
FUNERARY RELIEFS OF 'SOCIAL CLIMBERS' FROM ROME AND LATIUM (ELABORATION: AUTHOR, BASED ON THE DATES IN KOCKEL 1993).



	80-71 BCE	70-61 BCE	60-51 BCE	50-41 BCE	40-31-BCE	30-21 BCE	20-11 BCE	10 BCE-0	1-10 CE	11-20 CE	21-30 CE	31-40 CE	41-50 CE	51-60 CE	61-70 CE	71-80 CE	81-90 CE
Number of Reliefs	7	7	7	14	59	23,5	23,5	9	9	9	1,6	1,6	1,6	1,6	1,6	1,6	1,6

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figures prominently in early Augustan poetry: Prop. 4.1.5-8; Verg. *Aen.* 8.347-8; Hor. *Car.* 3.3.42-44; Ov. *Ars am.* 3.113. Because this "gilded Capitolium" only came into being in the period of the Sullan restoration, the "civil wars" mentioned in Seneca's text must refer to the *bella civilia* fought between 49 BCE and the battle of Actium.

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THE SOCIO-POLITICAL EXPERIENCE OF THE ITALIANS DURING THE TRIUMVIRAL PERIOD[1]

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The Triumviral regime marked a turning point for Italy. While scholars have recognized the "before" and "after," they have generally overlooked how the larger importance of the entire period (especially between 43 and 36 BCE) constituted a crucial and quite fraught time for the peninsula. Indeed, the only moments from the period that stand out in most historiographical accounts are the Perusine War and the consul Lucius Antonius' stand against Octavian in 41. As a result, the years between this "last stand" in Italy and the Italian oath of fidelity to Octavian in 32-31 (*coniuratio Italiae*) are usually skimmed over or simply dismissed as uninteresting.[2] From the *coniuratio Italiae* onwards, the young Caesar is depicted as having taken control of the situation. As Syme put it, "he was the master of Italy," since his enemies were all abroad.[3] Jullian, for his part, described it as the moment in which Italy "accepte l'Empire."[4] In this already boiled-down version of events, the few events that historians tend to mention between 43 and 31 are seen exclusively as intra-elite fights. Thus, the possible role of any other socio-political group has been often ignored.

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2 On the oath, cf. *RGDA* 25. Also see Rosado Martín 2010 with references to previous oaths of a similar character.

3 Syme 1939: 212-213.

4 Jullian 1884: 14-18.

In this chapter, I would like to argue that historians have missed the larger picture by exploring the following hypotheses:

a) The years 43-31 (especially 43-36 and the defeat of Sextus Pompeius) were not only crucial for the history of the Italian peninsula, but also constituted a period in which Octavian did not have an easy time controlling the situation.

b) Scholarship has not paid enough attention to the fact that these were very turbulent and volatile years, with the young Triumvir having to address many revolts, myriad conflicts as well as a good deal of negative public opinion.

c) In this turbulent context, it was not only the Roman elite who exercised agency, but also other social groups who had their own agendas and reasons to resist the political situation. Whereas scholars (e.g. Syme and Volponi) have focused almost exclusively on aristocrats' initiatives, this chapter aims to shed light on the socio-political experience of the broader Italian population during the Triumviral period.

Much attention has been devoted to the expropriations of Italian lands to settle veterans.[5] And rightly so: such expropriations did indeed invalidate the established legal mechanisms for the maintenance of property rights. There was only one jurist, Aulus Cascellius, who dared to question the triumvirs' juridical grants, in what amounted to an unprecedented act.[6] However, there were also other disruptive elements and examples of unrest during this period that have been passed over and have not been set alongside the expropriations, a gap that I intend to fill here. In order to address this issue, the present contribution is structured around the following four elements: first, the revolts that occurred in Italy and Rome during the Triumviral period; second, unrest over taxation; third, population movements and their consequences; fourth, the role of banditry; finally, the presence and impact of public opinion.

5 Cf. Vittinghoff 1952; Keppie 1983; 2000; Osgood 2006: 108-151; Laignoux 2015.

6 Cascellius (Val. Max. 6.2.12) refused to grant a *formula petitoria* to someone who mentioned a Triumviral grant in support of his claim (Bauman 1985: 117-122; Dirksen 1858). His appearance in Valerius Maximus' section on *libertas* highlights the fact that this was atypical.

1. Revolts

After the Perusine War, it is difficult to gather evidence about revolts, since our sources (mainly Suetonius, Appian and Cassius Dio) tend to gloss over such events, or merely mention them in passing while discussing other subjects. For this reason, our understanding of the unrest and disturbances during that period is very limited; however, the sources do provide a glimpse of certain revolts.

The capture of both Perusia and Nursia (41-40 BCE) has been hailed as the final acts of the *bellum Italicum* against the new Sulla.[7] The unrest, however, was far from over. After the fall of Perusia, conflicts arose in Campania and Naples, although they failed to crystallise into full-scale revolts. Were it not for the fact that one of the leaders of the revolt was Tiberius Claudius Nero (pr. 42), the father of the two year-old boy who would succeed Octavian as *princeps*, we would know absolutely nothing of these conflicts.[8] Tiberius Claudius Nero had fought with Lucius Antonius in Perusia, was proscribed and escaped to Naples and Campania, before later fleeing to join Sextus Pompeius in Sicily, with his wife Livia and their son in tow.[9] Since the sources do not elaborate much on the revolt, historians have not shied away from filling in the gaps: Ferriès suggests that Tiberius Claudius Nero sought to incite the slaves of Naples to revolt; Huntsman places the revolt in Campania with Tiberius Claudius Nero's own *clientela* at the movement's helm.[10] Given that at the time it was a standard rhetorical trick to dismiss a revolt by claiming that it was merely led by some slaves, we ought to take all of this with a pinch of salt.

Volponi has maintained that in the wake of the Perusine War Tiberius Claudius Nero was the last fighter to lay down his arms.[11] There is, however,

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7 Volponi 1975: 123-124; Freyburger – Roddaz, Dio Cass. 48, p. XXXIX. For Nursia's monument, cf. Dio Cass. 48.13.6.

8 Dio Cass. 48.15.3.

9 Cf. Ferriès 2007: 366-367 on Tiberius Claudius Nero. She gives the following motivations for the revolt: "la défense des proprietaries italiens et de la dignité consulaire" (Ferriès 2007: 367), the same reasons as Lucius Antonius. He was in Sicily shortly afterwards, later leaving to join Antony in Greece. Tiberius Claudius Nero was rehabilitated in the agreement of Misenum (Vell. Pat. 2.77.3). On Livia before her marriage to Octavian, cf. Huntsman 2009, who places her marriage to Tiberius Claudius Nero at some point between 46 and early 42, certainly before the death of her own father, M. Livius Drusus Claudianus, at Philippi. She was ca. 14-16 years old.

10 Ferriès 2007: 367; Huntsman 2009: 142.

11 Volponi 1975: 119, n. 2. In her opinion, the Perusine War presented a clear line of continuity with traditional senatorial policies that were devised in order to benefit Italian landed gentry.

a hint of conflict in other places in Cassius Dio's account that we should not disregard: "After the capture of Perusia in the consulship of Gnaeus Calvinus (who was serving for the second time) and Asinius Pollio, other places in Italy also went over to Caesar, partly as the result of force and partly of their own accord."[12] We are left to wonder just how many other revolts, led by people whose offspring did not become *princeps*, are missing from the sources? While it is obviously impossible to make any clear determination, at the same time we cannot discount the possibility of their existence.

In 41 BCE, the year of the Perusine War and the expropriations, unrest was felt throughout the peninsula. The land grants that Octavian bestowed on the veterans irritated those at whose expense they had been made. At the same time, conflict brewed in Rome and other Italian cities:

> The one party was superior by reason of the arms with which it was equipped and of its experience in the wars, and the other by its larger numbers and by their tactic of hurling missiles upon their opponents from the roofs. Consequently, many houses were burned down, and the rent of those who dwelt in the city was entirely remitted up to a maximum of two thousand sesterces, while for those who lived in the rest of Italy it was reduced to a fourth for one year. For the fighting went on in all the cities alike, wherever the two parties fell in with each other.[13]

The destruction of houses across the whole of Italy struck a serious blow to the rental market: fewer buildings meant scarcity, which in turn led to a spike in prices. It is probable that popular pressure drove Octavian to pass the law establishing maximum rents, just as Caesar had done some years before.[14] The sources are quiet about Lucius Antonius' involvement in this matter, but as consul in 41 he proposed an agrarian law in favour of both the people and Caesar's veterans, while also speaking publicly in favour of restoring regular institutions.[15] He was tremendously popular, as the statues that the people

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12 Dio Cass. 48.15.1: ἐκείνης δ' οὖν ἐπί τε Γναίου Καλουίνου δεύτερον καὶ ἐπ' Ἀσινίου Πωλίωνος ὑπάτων ἁλούσης καὶ τἆλλα τὰ ἐν τῇ Ἰταλίᾳ, τὰ μὲν βίᾳ τὰ δὲ ἐθελοντί, τῷ Καίσαρι προσεχώρησε.

13 Dio Cass. 48.9.4-5: τεγῶν αὐτοὺς βάλλειν ἐπεκράτουν, ὥστε καὶ οἰκίας διὰ τοῦτο συχνὰς καταπρησθῆναι, καὶ τὸ ἐνοίκιον τοῖς μὲν ἐν τῷ ἄστει μέχρι πεντακοσίων δραχμῶν οἰκοῦσι πᾶν, τοῖς δ' ἐν τῇ λοιπῇ Ἰταλίᾳ κατὰ τὸ τέταρτον ἐνιαυτοῦ ἑνὸς ἀνεθῆναι. ἐν πάσαις γὰρ δὴ ταῖς πόλεσιν ὁμοίως, ὅπῃ ποτὲ συντύχοιεν ἀλλήλοις, ἐμάχοντο. Courrier 2014: 841-842.

14 Cf. Rosillo-López forthcoming b on rent control measures in the 40s; on the financial strategies of the Triumvirs, see García Morcillo's chapter in this volume.

15 App. *B Civ*. 5.30; Dio Cass. 48.13.5. Lucius even claimed that his brother Marcus would leave the Triumvirate and return to being a consul (App. *B Civ.* 5.39). On Lucius Antonius, cf. Roddaz 1988.

erected in his honour attest.[16] In the context of this conflict, Octavian may have decided to re-enact Caesar's law in an attempt to calm down the situation and reduce Lucius Antonius' own popularity. In any case, the situation that Cassius Dio paints is one of internecine fighting throughout Rome and other major Italian cities, a situation that Octavian was at pains to control. Italian cities had to feed and lodge troops, not to mention all the secondary problems that such a situation would have unleashed.[17] Those soldiers were in theory charged with confiscating the property of "the persons who still opposed them," giving them grounds to make requisitions whenever it was deemed necessary. Appian, for his part, is clear in highlighting the resistance of some people to these proscriptions.[18]

In Cassius Dio's telling the situation was straightforward after the revolt of Perusia: "Italy had been subdued."[19] As a result, the historian could simply move on to the next big subject: the fight with Sextus Pompeius. But reality does not conform to the neatness of historical narrative. Cassius Dio mentions *en passant* that Etruria, for instance, was in open rebellion from an undetermined time until at least September of 36: "Meanwhile the parts of Etruria which had been in rebellion had subsequently become quiet as soon as word came of his victory [Naulochus]".[20] Was this a small-scale affair or a wider conflict? In my opinion, we should place this in the context of the economic exploitation suffered in Campania, Etruria and Naples, brought about by Agrippa and Octavian's need to build a powerful fleet for confronting Sextus Pompeius.

The disaster that befell Octavian's fleet in 38 left only one option: enlarging the navy with ships that were robust enough to resist storms and that would be properly manned by experienced sailors, a huge undertaking that was placed in Agrippa's hands.[21] At the end of 38, works began along the Italian coast (and

16 Cic. *Phil*. 6. 12-16. *LTUR*, s.v. *Equus: L. Antonius* (E. Papi); Lahusen 1983: 20, 57, 91-92; cf. Nicolet 1985: 816-839, especially on the fourth statue, gilded and equestrian, where Antonius was hailed as *quinque et triginta tribus patrono*; Sehlmeyer 1999: 245-247. The erection of statues by popular initiative was rare during the Republic, which makes this fact all the more significant.

17 Dio Cass. 47.14.3.

18 Dio Cass. 47.14.3.

19 Dio Cass. 48.16.2: ἐν τῇ Ἰταλίᾳ κατείργαστο.

20 Dio Cass. 49.15.1: κἀν τούτῳ τά τε τῶν Τυρσηνῶν στασιάσαντα ἔπειτα ἅμα τῷ τῆς νίκης αὐτοῦ πυθέσθαι κατέστη.

21 On the disaster of 38, which left Octavian essentially deprived of a fleet, cf. Paget 1968: 161-162. On the war between Sextus Pompeius and Octavian, cf. Welch 2012a: 261-289.

probably also in Frejus). which lasted until 36, that is, for more than two years.[22] Those were the places where the actual building of the ships took place; in order to prepare seasoned crews, Agrippa built Portus Iulius, a port in the lakes of Lucrine and Avernus, of mythical resonance, situated on the coast between Baiae and Puteoli. Neither Appian or Cassius Dio provide much detail about Portus Iulius or the works carried out there.[23] The fleet was stationed in the Lucrine lake, while the construction site was located in the Avernus; a channel was built between the two, together with a set of underground galleries (almost 2 kilometres long) to transport material.[24] The endeavour was a great success, since that was the fleet that prevailed at the Battle of Mylae and formed a large portion of Octavian's fleet at the decisive battle of Naulochus in 36, at which Sextus Pompeius was defeated.[25] However, such an endeavour had its costs.

While the ancients were undoubtedly in awe of the infrastructure built at Portus Iulius and other sites, historical accounts—neither ancient nor modern—have taken into account the experiences of the inhabitants of the towns where the construction sites were located. Agrippa and Octavian commandeered a vast quantity of human and economic resources from Campania, Etruria and Naples to build the fleet. Unsurprisingly, inhabitants of those regions were far from happy about such seizures.[26] According to

22 Dio Cass. 48.49.1-2; App. *B Civ*. 5.92. Roddaz 1984: 95-114. The fleet for fighting Sextus is not mentioned in Volponi 1975. On construction during this period, see Maschek in this volume.

23 App. *B Civ*. 5.97 (mentions *en passant* that the fleet was finished); at Dio Cass. 48.49.5, the historian vows to explain it, but fails to come through on his promise. Roddaz 1984: 103, n. 81 suggested that, in the case of Appian, the use of Messalla Corvinus' autobiography could be the reason for that particular gap in this account. Agrippa probably evoked those major works and the preparation of the fleet in his own autobiography.

24 Paget 1968: 163-169; Roddaz 1984: 97-114; cf. Welch 2012a: 269-272 on the logistics of the new port. Cf. Verg. *Georg*. 5.4.5 on the mythology of the place, associated with an oracle, the cult of the dead and the entrance to the Avernus; Strab. 5.4.5. It is in that specific site that Vergil locates Aeneas' entry into Hades; the poet witnessed not only Agrippa's works on the lake, but also the abandonment of the site (Roddaz 1984: 101, n. 76). The tunnel was built by the freedman architect L. Cocceius Auctus (Strab. 5.4.5). Roddaz 1984: 113 points out that, taking into account that Sextus probably controlled the islands of Ischia and Procida from 38 onwards, the tunnel allowed for the safe passage of convoys with supplies, without undergoing the risk of a raid (cf. Paget 1968: 161 on Sextus' raids in Italy). On Sextus Pompeius' control of Italy, cf. Welch 2012a: 266.

25 Paget 1968: 162-163.

26 Cf. Dio Cass. 48.49.1 for the construction of the fleet practically throughout the whole of Italy.

Cassius Dio, Octavian rounded up twenty thousand slaves to train as oarsmen; first, they were obtained from his friends, "who were supposed to give willingly, and then from the rest – senators and knights, and well-to-do plebeians."[27] The historian leaves no doubt about the compulsory nature of these so-called "contributions": a sizable number of people were snatched from their families, against the will of their masters, and taken by force to Portus Iulius. The actions of the young triumvir did not stop there: oarsmen and workers had to be fed and lodged, and materials had to be bought (or requisitioned) and transported. In order to build the new fleet and maintain the project's logistical networks, Octavian seized money and goods from all citizens throughout Italy and also levied troops, probably for security purposes.[28] It is clear that all Italian towns were adversely affected by these major appropriations. In this light, the rebellion in Etruria, which lasted until the battle of Naulochus in 36, was not, in all likelihood, an isolated or random event.

Octavian must have been aware of potential unrest and backlash that these requisitions and projects would unleash. While drawing up the list of towns to be included in the expropriations, he exempted Vigo and Rhegium, both important ports, for fear that they would welcome Sextus Pompeius' ships in protest.[29]

The sources remain quite vague about any unrest in Rome, perhaps because any explicit mention of such would have revealed that the city's inhabitants were not supportive of Octavian's policies or decisions. In 40, anti-Triumviral (and pro-Sextus Pompeius) protests in the city were contained only through military intervention, without which Octavian might have lost his life.[30] Appian, for instance, claims *en passant* the following: "He sent

27 Dio Cass. 48.49.1: καὶ ἐρέτας τὰ μὲν πρῶτα παρὰ τῶν φίλων ὡς καὶ ἑκόντων διδόντων, ἔπειτα δὲ καὶ παρὰ τῶν ἄλλων τῶν τε βουλευτῶν καὶ τῶν ἱππέων τῶν τε δημοτῶν τῶν εὐπόρων δούλους συνέλεγεν; Suet. *Aug.* 16.1 gives the number of slaves and mentions the exercises which Agrippa used to train them (also in Vell. Pat. 2.79.1; Dio Cass. 48.51.5 for a brief mention). Cf. Roddaz 1984: 114-115 on the training of the oarsmen.

28 Dio Cass. 48.49.1.

29 App. *B Civ.* 4.86.1.

30 For anti-Triumviral complaints, cf. Dio Cass. 48.31.6; App. *B Civ.* 5.68. Cf. Courrier 2014: no.145, 158-166. Cf. Gabba 1956: 200-202 on "il motivo dell'indignazione popolare" as a central element during those years; cf. Hadas 1930: 114-116 on popular support for Sextus Pompeius. In relation to Suetonius' comment on popular support, Wardle 2014: 140 has pointed out that the biographer used *populus* instead of *plebs* to convey that it was the whole citizenship of Rome, not just the poor, who were complaining.

Maecenas again to Rome on account of those who attempted political changes (νεωτερίζω); and some of these, who were stirring up disorder, were punished."[31] In 36, when Octavian's position was weakened and Sextus Pompeius was gaining steam, the fact that he was forced to send Maecenas, an important confidant, to control this situation in Rome suggests that it was not merely small-scale dissent that Octavian faced. Le Doze suggests that Maecenas exerted power as *eques*, though without officially holding any post. In this way, his role gives a taste of what the *praefectus Urbi* would later do.[32]

In Volponi's opinion, all the unrest in Rome, and especially in Italy, was sparked by those who had fled the proscriptions and who were galvanizing resistance against the regime.[33] While such a statement is characteristic of her approach to those turbulent years, it is also contradictory: the cases she provides of aristocratic-led resistance are led by people who fled to Sextus Pompeius, not by those who remained in Italy.[34]

Once we add up such brief and tantalising mentions of unrest in Italy and Rome, scattered throughout the various sources, the picture is less rosy than the one painted in most historiographical accounts, in which only the Perusine War is deemed worth studying, while the rest could be chalked up to anecdotal or isolated instances of small-scale unrest. Closer examination of the sources reveals that while the series of riots and small revolts did not lead to a second full-scale rebellion against Octavian in Italy, this should not lead us to the conclusion that this unrest was unimportant. The triumvir was focused on winning the war against Sextus Pompeius by any and all means necessary; Sextus was a powerful enemy who constantly raided the shores of Italy, disturbed the peninsula's supply of grain and controlled islands (such as Ischia and Procida) located less than a couple of hours from Naples by boat. Indeed, he was an enemy with a powerful fleet, who was giving refuge to aristocratic proscripts and was relatively popular in Rome. To win the war, Octavian embarked on an impressive building campaign that demanded such large contributions from the towns involved (whether in the form of taxation, human resources, logistics, materials or a

31 App. *B Civ.* 5.112: Μαικήναν δ' αὖθις ἐς Ῥώμην ἔπεμπε διὰ τοὺς νεωτερίζοντας: καί τινες παρακινοῦντες ἐκολάσθησαν. Courrier 2014 does not mention the episode, since it did not give way to open unrest.

32 On Maecenas' stays in Rome, cf. Le Doze 2014: 48-51.

33 Cf. Volponi 1975: 78; p. 79-80 for acts of resistance, though she does not specify which ones.

34 Volponi 1975: 78, n. 3.

combination thereof), all of which led to unrest and, in the case of Etruria, open revolt. Appian summarises the situation quite clearly: "These cities dreaded a victory of the triumvirs more than anything else, and whatever they could do against them secretly they did."[35]

2. Unrest for taxation

When the triumvirs rose to power, money was a main concerns, though certainly not the only one. According to Appian, there was a shortfall of over 200,000,000 drachmas for their preparations for the war against the Republicans.[36] In 42 BCE, they enacted measures to increase revenues from Italy and Rome, including a tax on the property of the 1,400 richest women, a measure that mobilised these women and culminated with Hortensia pleading in the Forum against such high taxation and refusing to pay for a civil war.[37] In fact, the strain that high taxation put on the Roman and Italian—not to mention the effects of the proscriptions and the expropriations—was so great and provoked such incendiary reactions that all the ancient historians whose works have survived (Appian, Cassius Dio, Plutarch) have mentioned it. Apart from contributions in kind (e.g. slaves for the new fleet against Sextus, see above), the triumvirs promulgated taxes on land, slaves and all kinds of property more generally between 43 and 40.[38] Plutarch even accuses the triumvirs of seizing the money deposited with the Vestal virgins.[39]Appian graphically describes the situation in Rome and Italy as well as the opinions of their inhabitants regarding the new situation:

> They [the people] were exasperated that, after exhausting the public treasury, stripping the provinces, burdening Italy itself with contributions, taxes, and confiscations, not for foreign war, not for extending the empire, but for private enmities and to add to their own power (for which reason the proscriptions

35 App. *B Civ*. 4.85: ταῖς γὰρ δὴ γνώμαις αἵδε μάλιστα τὴν νίκην τῶν τριῶν ἀνδρῶν ἀπεύχοντο καί, ὅσα δύναιντο, κρύφα ἀντέπρασσον.

36 App. *B Civ*. 4.31. Cf. García Morcillo in this volume.

37 App. *B Civ*. 4.32-34. Hopwood 2015 has convincingly argued that Appian's speech was closely based on the text that she herself published (as mentioned by Quint. *Inst.* 1.1.6, who added that the speech was still read in his time because of the merits of the text).

38 For an exhaustive list with all the new taxes, cf. Dio Cass. 47.14 and 16; App. *B Civ*. 5.67. Cf. Nicolet 1976: 87-89.

39 Plut. *Ant*. 21.3.

> and murders and this terrible famine had come about), the triumvirs should deprive them of the remainder of their property.[40]

Nicolet has described such taxation as marking the passage from a civic system to a monarchical system, or even an "économie tyrannique."[41]

Of course, this resistance to tax levies should be understood in the context of the shifting public opinion against Octavian, especially in the city of Rome (see below). In 40, famine and an increase in prices angered the population of Rome, which revolted when a new edict renewed the taxes on slaves that had previously been enacted in 43 in addition to introducing a new tax on wills; there was a battle in the city between the population and Antony's soldiers, who attacked them.[42] In 39, before the treaty of Misenum, similar disturbances had taken place.[43] In 38, the Roman people revolted against the tax collectors, claiming that they were too heavily taxed; despite the victory against Sextus in 36, when Octavian cancelled most of the exceptional taxation (after nine years of it!), unrest over taxes did not stop. In Plutarch's telling, in 32 there were disturbances throughout Italy: the people complained that they had to pay a quarter of their income and freedmen one eighth of their property. But since the war against Antony was postponed, Octavian was able to turn his attention to ending these disturbances.[44]

3. Forced movements of population

The late 40s and mid-30s BCE witnessed several forced migrations of people in Italy. This, of course, set many socio-economic consequences into motion.

During the Triumviral expropriations in Italy in the late 40s BCE, which were carried out to distribute land amongst the veterans, a sizable number of

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40 App. *B Civ.* 5.67: τοῦτο τὸ γράμμα σὺνόρμῃ μανιώδει καθεῖλεν ὁ δῆμος ἀγανακτῶν, εἰ τὰ κοινὰ ταμιεῖα κεκενωκότες καὶ τὰ ἔθνη εσυληκότες καὶ τὴν Ἰταλίαν αὐτὴν ἐσφοραῖς καὶτέλεσι καὶ δημεύσεσι καταβαρήσαντες οὐκ ἐς πολέμους οὐδ᾽ ἐς ἐπίκτητον ἀρχήν, ἀλλ᾽ ἐς ἰδίους ἐχθροὺς ὑπὲρ οἰκείας δυναστείας, ὑπὲρ ἧςδὴ καὶ προγραφὰς καὶ σφαγὰς καὶ λιμὸν ἐκ τῶνδε πανώδυνον γεγονέναι, ἔτι καὶ τὰ λοιπὰ περιδύοιεν αὐτούς.

41 Nicolet 1976: 87-98.

42 App. *B Civ.* 5.67-68. Octavian was manhandled by the population.

43 Dio Cass. 48.43.1. Cf. Courrier 2014: no.165. On this treaty, cf. Welch 2012b: 135-140.

44 Plut. *Ant.* 58. Octavian's cancellation: App. *B Civ.* 5.130.

common people, who were deprived of their livelihoods and did not receive any compensation, moved to Rome:

> They came to Rome in crowds, young and old, women and children, to the forum and temples, uttering lamentations, saying that they had done no wrong for which they, Italians, should be driven from their fields and their hearthstones, like people conquered in war.[45]

While the sources do not specify the size of this crowd thronging the capital, various considerations suggest that the number was quite large: the cities where expropriations were carried out were located within a maximum range of 2 to 3 days away from Rome; in addition, even though the triumvirs had established a minimum size for the plots to be commandeered, smaller plots of lands were seized likewise. These considerations suggest that a sizable number of dispossessed families without jobs (at least when they arrived) joined the ranks of the lower stratum of the population and overwhelmed the city of Rome, all of which would have had a major socio-economic impact.[46] Even if this uprooting was not deliberate, it was certainly a clear result of the triumvirs' policies.

There was a long tradition of state-organised deportation or relocation of rebellious populations during the Republic, both as a form of punishment and as a way to socialise subdued populations.[47] Populations were forced to move when they were considered to be too out of control or when the geographic location of a settlement was deemed too important in light of the population's questionable fidelity. This is illustrated by Pompey's treatment of the pirates in Cilicia during his campaign from 67 onwards: after they were defeated, they were forced to settle inland, far from the coast.[48]

Octavian continued with this same policy, with the important difference being that it was now taking place in Italy and Sicily, not in a village in a

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45 App. *B Civ*. 5.12: ἀλλα συνιόντες ἀνὰ μέρος ἐς τὴν Ῥώμην οἵ τε νέοι καὶ γέροντες ἢ αἱ γυναῖκες ἅμα τοῖςπαιδίοις, ἐς τὴν ἀγορὰν ἢ τὰ ἱερά, ἐθρήνουν, οὐδὲν μὲν ἀδικῆσαι λέγοντες, Ἰταλιῶται δὲὄντες ἀνίστασθαι γῆς τε καὶ ἑστίας οἷα δορίληπτοι.

46 Cf. Dio Cass. 48.8.5 for the minimum size of the lots: between 35 *iugera* (Cremona) and 50 *iugera* (other colonies). Cf. Keppie 1983. Veterans sometimes seized neighbouring lands: App. *B Civ*. 5.13-14; Dio Cass. 48.6.8-9. Properties belonging to senators were exempt from the land distributions (Dio Cass. 48.8.5).

47 Cf. Pina Polo 2004.

48 Pina Polo 2004: 225-229. Plut. *Pomp*. 28.2-4; Strab. 8.7.5; 14.3.3; 14.5.8; App. *Mithr*. 115.

faraway province. During the struggle with Sextus Pompeius, the control over Sicilian and Italian islands became a crucial matter.[49] Sicily and its islands were deeply affected by being one of the theatres of the war: "Sicily suffered from this war as much as she had from the first two Punic Wars. At the end of the contest there were in the province 45 legions, 25,000 horses, 40,000 light-armed troops and 600 warships".[50] According to Appian, the whole region had been turned into a battlefield, despite Sextus proving to be a more benevolent ruler who desired to keep the cities on his good side.[51]

As previously mentioned, Sextus controlled Ischia and Procida, a few kilometres off the coast of Naples. Octavian tried to seize all of the Sicilian islands that he could, which he achieved not only through pure force, but also through deportation. This is exactly what happened with the island of Lipari, located north of Sicily. Lipari had been an important naval base during the First Punic War, and its strategic location made it crucial in the current struggle in the 30s BCE.[52] According to Cassius Dio, in 38:

> when the inhabitants of the islands off the coast of Sicily proceeded to go over to the side of Sextus, Caesar thwarted the Liparaeans by removing them from their island and taking them to Campania, where he forced them to live in Neapolis as long as the war should continue.[53]

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49 On Sextus Pompeius and Octavian's struggles in Sicily, cf. Stone 1983; Rubincam 1985; Manganaro 1988. On Sicily during the civil wars, cf. Scramuzza 1937: 250-252; Wilson 1988; Manganaro 1988.

50 Scramuzza 1937: 251.

51 For the battlefield, cf. App. *B Civ*. 5.92ff. for Sextus Pompeius' benevolence, cf. Dio Cass. 48.17.2, *pace* Vell. Pat. 2.73.3, who states that Sextus Pompeius had fed his forces through theft and brigandage, an assertion that Scramuzza 1937: 251, considered "an example of extreme partisanship."

52 Diod. Sic. 5.9-10; 23-20; Polyb. 1.21.5; 24.13; 25.4; 39.13. Wilson 1988, especially 170-174. Archaeological studies on the grounds of the bishop's palace have unearthed a rough defensive wall of dry-stone rubble and re-used material, "clearly thrown up in a hurry 6m. or so outside the line of the Greek city walls (which are of the early fourth century BC), dated by pottery to the middle years of the first century BC, and is presumably therefore connected with the civil war between Octavian and Sextus Pompey" (Wilson 1988: 170-171). The island of Lipari was a prosperous place, with an active harbour, and was rich in pitch, pumice and especially alum, for which it enjoyed a virtual monopoly in the Roman world, together with the neighbouring island of Stromboli (Wilson 1988: 173; Diod. Sic. 5.10.2).

53 Dio Cass. 48.48.6: μεθισταμένων δὲ τῶν περὶ τὴν Σικελίαν νησιωτῶν πρὸς τὸν Σέξτον ὁ Καῖσαρ τοὺς Λιπαραίους προκατέλαβε, καὶ ἔκ τε τῆς νήσου ἐξανέστησε καὶ ἐς Καμπανίαν ἐκόμισε, καὶ ἐκεῖ ἐν Νέᾳ πόλει κατοικεῖν μέχρις οὗ.

In other words, Octavian's decision brought about a full-scale deportation of the population.

We should not only be aware of the effect on the deportees, whose numbers are unknown to us, but should also consider the later fate of the physical settlement. Stone has noted that the cemetery on Lipara was not used again until the last quarter of the first century CE. The city was re-established as a Roman colony in 36, though it soon fell into Sextus Pompeius' hands.[54] As was the case with the abovementioned expropriations, we should also bear in mind the impact that such an influx of new arrivals would have had on the places where the Liparaeans were relocated. In contrast with other migrations of entire populations, it does not appear that a city was founded especially for them, but that they were sent to Naples. A new set of questions arises from this fact: how did those people make a living? Were they provided with land, as had been the standard practice in previous cases of deportation?[55] Taking into account the recent experience of the expropriations and the price of land in the area surrounding Naples, which was one of the most sought-after property markets in the whole of Italy, this possibility does not seem likely. Were they provided with lodgings or were they just left to their own devices? What impact did these new arrivals have on a city where, as we have seen, the rental market was already strained due to a scarcity of lodgings?[56] The destruction of houses across the whole of Italy had created difficulties in the rental market, since fewer buildings led to a housing shortage and an increase in prices. Were the new arrivals homeless in the city?[57] Did the Roman State or the army ensure that they did not leave Naples? What further socio-economic impact did this policy bring? The evidence is too scarce to answer any of these questions, but the impact of a very large and sudden influx of Liparaeans in Naples should not be underestimated.

Lipari was not an isolated case. Octavian repeated this policy with other Sicilian cities, deporting populations as a way of establishing control over the islands. The city of Tauromenium denied entrance to Octavian's army in 36; in retaliation, the population was removed and resettled in an unknown location, and the city was later made into a Roman colony, a process that

54 Stone 1983: 14-15. App. *B Civ*. 5.11.105.

55 As had been done in the case of other deportations during the Republic; cf. Pina Polo 2004: 229-230.

56 Cf. Rosillo-López forthcoming b.

57 Cf. Rosillo-López forthcoming a.

suggests that their land was confiscated.[58] As Muntz has highlighted, the only point that Octavian appears in Diodorus' account is at the very end, where he mentions that the expulsion of Tauromenium's inhabitants and the founding of the Roman colony in 35 were the punishments for having supported Sextus: "that Diodorus would break his narrative to make this point suggests anger at how Octavian treated his homeland of Sicily."[59]

Archaeological evidence reveals that Morgantina was destroyed and hence suggests that the inhabitants might have also been expelled as a punishment, although we do not know whether they were relocated somewhere else. In any case, the site was "partially destroyed and wholly abandoned in the third quarter of the first century B.C.," as the lack of any coins struck after 36 BCE demonstrates.[60] Stone suggests that the inhabitants were deported by Octavian's legates ca. 35 and the site was razed.[61] For the same reasons, the land of the city of Leontinoi was ravaged, according to Strabo; again, we are left in the dark about the inhabitants' fate.[62] Finally, large areas of land in the city of Katane were expropriated only to become an estate belonging to Agrippa.[63] While we do not know what happened to the inhabitants, in both the cases of Leontinoi and Katane, inhabitants' experience was analogous to that of the Italians whose land was commandeered in the late 40s; they may not have been expelled by force, but they were left with no other option than to find a livelihood elsewhere.

The pattern we find is quite consistent. Sicily and its islands were punished either during or after the war with Sextus Pompeius; in retaliation for supporting him, some cities were ravaged and their inhabitants were either deliberately deported elsewhere or forced to relocate when their lands were destroyed. This not only affected the devastated lands, but also the places where migrants were subsequently relocated (or, in the case of the Lipara, were forced to relocate). It is doubtful, in my opinion, that the Roman State founded new settlements for such communities or helped them in any way. Thus, there can be little doubt that they had became a burden for the communities in which they settled, yet another strain that provoked further unrest in an already perilous situation.

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58 Stone 1983: 15. Cf. Diod. Sic. 16.7.1.
59 Muntz 2017: 236.
60 Stone 1983: 16-19 (quote in p. 18).
61 Stone 1983: 19. Cf. Strab. 6.2.4 C270, speaking of Sicily around 20-10 BCE.
62 Strab. 6.2.7 C273. Stone 1983: 15.
63 Stone 1983: 16.

4. Bandits

In 36-35, C. Calvisius Sabinus (cos. 39) was appointed promagistrate in order to restore order in Italy and get the bandit problem under control.[64] He was far from a nobody, as many suffect consuls of the time were. In fact, Syme described him as "second only to Agrippa" in 38-36.[65] When describing this period, both Appian and Suetonius (especially the latter) depict a dire situation of open conflict and strife:

> Many pernicious practices militating against public security had survived as a result of the lawless habits of the civil wars, or had even arisen in time of peace. Gangs of ruffians openly went about with swords by their sides, ostensibly to protect themselves, and travellers in the country, freemen and slaves alike, were seized and kept in confinement in the workhouses of the land owners; numerous leagues, too, were formed for the commission of crimes of every kind, assuming the title of some new guild.[66]

According to both authors, Calvisius Sabinus redressed the situation in a year by executing captured brigands and posting military guards across Italy.[67]

The presence of bandits in the Italian countryside was not new. In 76, *praetor peregrinus* M. Lucullus proclaimed an edict to fight against gangs of armed men in Italy.[68] Given that Italian roads were dangerous and attacks by brigands were not uncommon, magistrates and members of the elite did not dare to travel alone.[69] When Clodius and Milo met on the road on that fateful

64 App. *B Civ*. 5.132; Suet. *Aug*. 32; Palmer 1978: 320-321. According to Nicolaus of Damascus (18.55), Calvisius Sabinus and L. Marcius Censorinus were the only senators who attempted to defend Caesar from his assassins. Syme considered that Sabinus and Censorinus' consulship in 39 constituted "a public manifesto of the Caesarian party, triumphant and reunited after the Pact of Brundisium" (2016: 206). If, as it seems, the inscription *CIL* 1^2.1860 = *ILS* 2488 = *ILLRP* 500 refers to him, Calvisius Sabinus had the title of *praefectus*.

65 Syme 2016: 318, until Statilius Taurus rose in prominence; p. 327-335 on Calvisius Sabinus' career. Syme 1958. On the marginal role of the suffect consuls during the Triumviral age, cf. Pina Polo 2018.

66 Suet. *Aug*. 32.1: *Pleraque pessimi exempli in perniciem publicam aut ex consuetudine licentiaque bellorum civilium duraverant aut per pacem etiam exstiterant. Nam et grassatorum plurimi palam se ferebant succincti ferro, quasi tuendi sui causa, et rapti per agros viatores sine discrimine liberi servique ergastulis possessorum supprimebantur, et plurimae factiones titulo collegi novi ad nullius non facinoris societatem coibant*.

67 App. *B Civ*. 5.132; Suet. *Aug*. 32.

68 Brennan 2000: 461-462.

69 On bandits and the risks of travel, cf. Lintott 1999: 28-29; Grünewald 1999; Tacoma 2016: 261-263.

day in the January of 52, the former tribune, who travelled on horseback, was accompanied by thirty armed slaves "as was the custom in those days while travelling," as Asconius explains.[70]

Is there more here than meets the eye? Why would an important military commander be sent to fight bandits? Calling your enemy a bandit or slave was one of the well-established rhetorical tropes used by rhetors and orators across the political spectrum. Sextus' supporters, for instance, were usually branded as slaves or bandits, even though many of them belonged to the senatorial aristocracy. In accordance with her tendency to attribute agency only to the elite, Volponi has suggested that many of these bandits must have simply been those fleeing proscription; in her analysis, coordinated anti-Triumviral designs did not motivate this violence.[71] In any case, taking into account the sources' silence regarding the nature of the so-called bandits (and the fact that not all of them would share the same motivations), we cannot fully discard the possibility that some of them did not belong to the elite (since the latter were leaving Italy and joining Pompeius in Sicily, as Volponi herself points out[72]); in fact, we ought to entertain the possibility that some of them were driven to banditry because of the turbulent socio-economic and political context of the 30s or, alternatively, that the label "bandit" was used to conceal local unrest directed against the triumvirs (again, we should not forget the enormous strain that the construction of the fleet against Sextus put on Italian populations).

5. Public opinion

As happens with most conflicts, during the civil wars of the 40s and 30s the battle over public opinion played an enormous role. All sides recognised the importance of this factor, not only because of questions of legitimacy, but also due to the need for public support for their policies.[73] An examination of public opinion not only provides us with a glimpse of such issues, but also sheds light on the range of perspectives found in the period, since it is one of the few windows through which we may identify the agency of the people, in

70 Asc. 31C: *ut illo tempore mos erat iter facientibus*; Lewis 2006: 235-236.
71 Volponi 1975: 142.
72 Volponi 1975: 78, n. 3.
73 Cf. Scott 1929 and 1933; Charlesworth 1933; Rosillo-López 2017; Moret 2012; Borgies 2016.

contrast to the omnipresent aristocratic narrative that the sources and many modern works present.

Opposition to Octavian's rule permeated several levels of public opinion.[74] For the sake of this chapter, however, I will focus more specifically on aspects that appear to have had a popular origin, in order to test the waters of popular public opinion regarding Octavian.

Anti-Octavian political literature circulated in Rome, including works sprung from the popular classes.[75] During the Sicilian War, the following epigram, probably of popular origin, circulated and was critical of Octavian: "After he has twice been beaten at sea and lost his ships, he plays at dice all the time, in the hope of winning one victory."[76] Rumours and popular interpretations of events should also be taken into account: for instance, some people believed that the Perusine War was in fact a plot hatched by Octavian to unmask Antony's followers and to expropriate land for his veterans' sake.[77]

Oral communication and epigrams (*sententiae*) played an important role in the circulation of public opinion.[78] In one of Seneca the Elder's rhetorical treatises, the orator Albucius mentions four epigrams, probably dating to the 40s or even to the early 30s. Three of them deal with Cicero, but the last one alludes to Sextus Pompeius: "Why do we lose heart? The republic too has its triumvirs" (i.e. Brutus, Cassius and Sextus Pompeius).[79] Seneca was born in the mid-50s, so he was only 15-20 years old when the civil wars of the 40s and early 30s took place. Furthermore, Seneca wrote a history of Rome from the civil wars until his own death at the beginning of the 30s CE, which his son published.[80]

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74 On the themes of anti-Octavian political literature, cf. Borgies 2016; ibid p. 355-400 on the different strata of society.

75 Cf. Cupaiuolo 1993: 54-60, *versus populares* against Octavian. On political literature and public opinion, cf. Rosillo-López 2017.

76 Suet. *Aug.* 70.2: *Postquam bis classe victus naves perdidit, / Aliquando ut vincat, ludit assidue aleam*. Cupaiuolo 1993: 57; Courrier 2014: no.163; Borgies 2016: 203.

77 Suet. *Aug.* 15.3.

78 Cf. Rosillo-López 2017: 148.

79 Cicero: Sen. *Suas.* 6.9-10. Sextus Pompeius: Sen. *Suas.* 6.11: *quid deficimus? et res publica suos triumviros habet*. This epigram was especially admired by Cassius Severus, a contemporary rhetor known for his love of the Republic and his rabid rhetoric, which led to him ending his life in exile. On the historical context of this epigram, see Welch 2012a: 163-164, where it is dated to late 43 or 42.

80 On Seneca the Elder's younger years, see Fairweather 1981: 3-8.

A third work of greater magnitude and addressed to a less popular audience (but still in all likelihood not completely restricted to the elite) shines light on the body of political literature in favour of Sextus Pompeius. A brief anonymous poem (103 hexameters) called the *Dirae*, which has been preserved in the *Appendix Vergiliana* and was probably written between the late 40s and early 30s, tells a story similar to that found in Vergil's *Eclogues* 1 and 9: a dispossessed man lost the lands he farmed in Italy during the expropriations, since the triumvirs needed land to settle their veterans after the battle of Philippi.[81] Bitter and disenchanted, the man curses the new owner and blames *Discordia* for his bad fortune. In a surprising turn of events, the dispossessed man rages against his fate and invokes Jupiter and Neptune whom he asks to burn and then flood his lands.[82] The poem is a remarkable piece of work. It has not hitherto been connected to Sextus Pompeius, but in my opinion, given the political context of the 30s, an allusion to Neptune can hardly be interpreted in any other way.[83] The author of the *Dirae* desired the destruction not of the world in general, but of the world created by the Triumvirs, in which lands are forfeited by force of law and granted to unworthy owners, dispossessing their long-time farmers.[84] Neptune is called upon to send his waters to destroy such a world. Given the context, we do not need to stretch our imaginations to associate this idea with Sextus' raids on the coasts of Italy and his confrontation with Octavian.

To what extent did these works have an impact on the public? Roman politicians were very aware that public opinion should generally be taken into

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81 Cf. Fraenkel 1966 on the literary analysis of the poem; cf. Lorenz 2005 on the intertextual play with Vergil's works. Also see Goodyear 1971, who argues against some of Fraenkel's excisions from the poems (which the latter thought to be interpolations). Cf. Rupprecht 2007 and Breed 2012 comparing the *Dirae* to Vergil's *Eclogues*; Peirano 2012: 77-79 considers that the author of the poem "purports to be Virgil", although does not develop her case for the *Dirae*. Rostagni 1961: 353-358 (who argued that Vergil was in fact the author) maintained that the poem could have been written between the years 42-41, that is, after Philippi but before the destruction of Perusia in February 40. Van der Graaf 1945 also supports this dating. According to the latest argument and bibliography in Rupprecht 2007: 44-47, the current *communis opinio* is that the poem is not of Vergilian authorship and that it should be dated in the early 30s, probably right after the publication of the *Eclogues* in 39.

82 *Dirae*, vv. 50-51; 55-65.

83 Cf. Rosillo-López forthcoming c.

84 Breed 2012: 13 talks about the poem's "destructive rhetoric." Cf Vittinghoff 1958, Keppie 1983 and Laignoux 2015 on colonisation and land expropriations during the Triumvirate; cf. also Keppie 2000 and Osgood 2006: 108-151.

account. It is remarkable that, despite the presence of Octavian in Rome and the absence of two such important political figures as Sextus Pompeius and Antony, we find such opposition to his rule. Popular pressure could be very powerful: following disorder in Rome and physical threats to the triumvirs, Octavian and Antony were forced to yield at the conference in Misenum in 39, because of both public opinion and famine, two factors that should be considered inextricably linked.[85] Some people even threatened to burn down the house of Mucia, Sextus Pompeius' mother, if she did not intervene to facilitate the negotiations.[86] In 36, again following huge pressure from the people, Octavian declared that when Antony returned both of them would give up their Triumviral powers; the young Caesar was taking up and appropriating the same ideas that drove Lucius Antonius to revolt.[87] Volponi has maintained—wrongly in my opinion—that the plebs were just the pawns that elites used in their clashes with one another.[88] Instead, the previous evidence suggests that popular and plebeian agency was actually quite strong.

Appian states that popular feeling was slowly turning ("there was little or no relief from the famine among the Romans, who cried out that the treaty had brought no deliverance from their sufferings, but only a fourth partner to the tyranny"[89]), but in any case most of the blame and the popular action was directed against Octavian, and not only because he was the one in power. Appian specifically outlines the grounds for his enemy's popularity: "For Pompeius, by reason of the proscriptions, the settlement of the soldiers, and these dissensions with Lucius, had gained much in reputation and power."[90] Velleius Paterculus explicitly claims that the popularity of Sextus was growing daily, even though his blockade was creating difficulties with the supply of grain to Rome and Italy.[91]

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85 App. *B Civ*. 5.69-71; Hadas 1930: 92-93 pondered why Octavian refused for so long to give in to public opinion and negotiate. In an interesting analogy, accusations were made in 57 that Pompey Magnus had caused a shortage of grain in order to obtain a command (Plut. *Pomp*. 49.4), which shows the relevance of the grain supply in swaying public opinion.

86 App. *B Civ*. 5.69; threats such as burning down a house were a customary political weapon (whose risk should not be discounted) in the Late Republic.

87 App. *B Civ*. 5.132.

88 Volponi 1975: 138, n. 4.

89 App. *B Civ*. 5.77*:* καὶ μικρὸν ἢ οὐδὲν ἄκος τοῦ λιμοῦ γεγένητο Ῥωμαίοις, ὥστεἐβόων οὐκ ἀπαλλαγὴν τῶν κακῶν, ἀλλ᾽ ἐπίληψιν τετάρτου τυράννου κατὰ σπονδὰς γεγονέναι.

90 App. *B Civ*. 5.25: Πομπήιος γὰρ ἐκ τῶν προγραφῶν καὶ κατοικίσεων τοῦ στρατοῦ καὶ τῆσδε τῆς Λευκίου διαφορᾶς ἐπὶ μέγα δόξης καὶ δυνάμεως ἦρτο.

91 Vell. Pat. 2.79.1: *crescente in dies et classe et fama Pompei.*

This negative public opinion towards Octavian should be added to the previous evidence regarding the experience of Roman and Italian people in the late 40s and mid-30s BCE. The briefly surveyed evidence attests to anti-Octavian public opinion, which originated at different levels of society in Rome and throughout Italy: from the local elite or middle classes, who would read a poem about expropriations, to the urban population who might repeat a *sententia* while cheering on the statue of Neptune or who crowded outside the house of Mucia, pressing for a peaceful settlement. It is not common for public opinion to be the grounds for political unrest, violence or even riots; however, its importance should not be discounted, as we have seen with the popular pressure that brought Octavian to negotiate the treaty of Misenum with Sextus Pompeius.

Conclusions

Before the battle of Philippi, Cassius delivered a powerful speech in which he encouraged his soldiers and defended the rightfulness of the Republican cause.[92] To that end, he talked (among other subjects) about the situation in Italy and the triumvirs:

> They cannot pay what they have promised their army. The proceeds of the proscription have not met their expectation, because no good man will buy lands entailed with hate. Nor can they obtain resources elsewhere, since Italy is exhausted by civil strife, exactions, and proscriptions.[93]

Cassius' speech highlights the triumvirs' policy of appropriation in Italy, a situation unheard of in previous periods. While governors used to plunder the provinces, as Cassius and Brutus were in fact doing and had no qualms about doing so,[94] treating Italy as a province, as a territory to be milked for financial resources, took this to a new level. Indeed, Appian and Cassius Dio's narratives concerning this period insist on this fact several times: Italy was

92 Magnino 1998: 237-242 considers that Appian used historical sources for Cassius' speech and then reworked them with a rhetorical structure. Gowing 1990: 167-176 also agreed on the historical grounds of the speech and on Appian's intervention; he suggested that Messalla or Asinius Pollio could be the source. On Cassius' speech, cf. also Gabba 1956: 180-182.

93 App. *B Civ.* 4.99: οὐδ' ἐτέρωθεν εὐποροῦσι, τετρυμένης στάσεσι καὶ ἐσφοραῖς καὶ προγραφαῖς τῆς Ἰταλίας. Appian used again that expression in 4.18.

94 Magie 1950: 420-421.

being treated as a conquered land.[95] And their inhabitants saw few alternatives to obeying Octavian: face annihilation or be forced to migrate. We should not forget the despair of the local councils when receiving a letter sealed with Maecenas' frog signet ring; only a few senators who had any clout and had not been proscribed remained to whom such populations might appeal.[96]

Volponi considered that after the failure of the Perusine War, any resistance from the Italians was futile: there was no unified or organized movement, but rather there were several limited local rebellions. In order to be effective, in her opinion, resistance should have had the support of outside forces and foreign troops (without actually specifying which foreign troops could possibly have intervened).[97] In any case, nothing of interest happened after 42. Such an analysis is warped by hindsight: we know that Octavian eventually prevailed over Sextus Pompeius and later Antony, taking firm control of Italy and the rest of the Roman territories as *princeps*. However, the situation and the perspectives in Italy during the first half of the 30s BCE did not look so rosy for the young triumvir: social and political unrest throughout the peninsula and in the city of Rome itself, conflicts between veterans and local populations, a clear policy of governmental appropriation, a huge mobilisation of resources (many of them compulsorily seized) in order to fight Sextus Pompeius, negative public opinion, forced displacement of populations….

The situation radically shifted in the late 30s, especially after the victory at Actium. In 29, Octavian injected a huge quantity of money into the Roman economy, flowing from booty and Antony's debased legionary *denarii*: the amount of money in circulation increased, prices rose (including the price of land) and interest rates went down.[98] Higher land values also allowed for an increase in credit, since property owners could use land as collateral. Furthermore, Octavian boasted about his distributions during that year, which included 400 sesterces to the plebs, twelve distributions of grain, one thousand sesterces to the veterans in the colonies, but the largest sum of money—serving as a kind of compensation for the expropriations—went to the Italian landowners.[99]

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95 App. *B Civ*. 5.50; Dio Cass. 48.6.4-5.

96 Plin. *HN* 37.10.

97 Volponi 1975: 90.

98 Dio Cass. 51.20.45; Suet. *Aug*. 41. Cf. Elliott 2020: chapter 5, who considers when and how the money was distributed. On Antony's *denarii*, cf. Dillon 2007.

99 *RGDA* 15-16.

If, as historians, we are not blinded by what eventually happened years later and instead try to picture and analyse the situation at that time (i.e. as people were actually living it), a victory for Octavian would not appear a foregone conclusion. During the civil wars, especially during the late 40s and first half of the 30s, the Italians experienced a long and difficult struggle. Just because this period ended with the exhausted region complying with the *coniuratio Italiae* in 31, the oath of fidelity to Octavian, this does not mean we can overlook the previous conflict-ridden years.

Appendix: Unrest and disturbances in Rome and Italy during the Triumviral period (all dates are BCE).

October 43: Triumviral proscriptions and land expropriations for their veterans.
43-40: the first fiscal measures and taxes to increase revenues.
41: rent control measures in Rome and Italy; mention of riots in Rome.
43-41?: arrival in Rome of expropriated people (App. *B Civ.* 5.22).
October 41: capture of Nursia. Nursia monument: Those who died in the Perusine War had died for the cause of freedom (Dio Cass. 48.13.6).
41-40: Perusine War.
Post Perusia: revolts in other cities: Tiberius Claudius Nero in Campania and Naples.
40-39: 38-36: attacks by Sextus Pompeius on the Italian coast.
40: attacks against Octavian in Rome; riots.
39: political unrest in the city of Rome; public opinion in favour of an agreement with Sextus Pompeius.
38: revolt in Rome against the tax collectors.
Before 36-35: the presence of "bandits" in Italy; suppressed by C. Calvisius Sabinus.
38-36: a policy of enforced requisition in Italy in order to build the fleet to take on Sextus Pompeius.
38: the deportation of inhabitants of Lipara to Naples.
Until 36: rebellion in Etruria.
36: Maecenas sent to Rome to control dissent and punish those who led the disturbances.
36: Octavian declared that the triumvirs would give up their powers once Antony returned.
36: forced migration of the population of Tauromenium.
36 or 35: population expelled from Morgantina.
36 or 35: land around Leontinoi ravaged.
36 or 35: expropriation of the lands of Katane.
32: disturbances in Italy due to taxation.
During Triumvirate: jurist Cascellius questioned the juridical acts of the triumvirs.
During Triumvirate: circulation of anti-Octavian literature.
During Triumvirate: increased taxation.

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HASTA INFINITA?
FINANCIAL STRATEGIES IN THE TRIUMVIRAL PERIOD

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1. Introduction

In the fourth *Philippica*, Cicero explicitly condemns the confiscations that followed the defeat of Pompeius' supporters, as well as Marcus Antonius' involvement in these initiatives. Building on the striking memories of Sulla's infamous proscriptions, Cicero's argumentation recalls the idea of citizens' fortunes falling victim to insatiable greed, to the 'endless spear' (*hasta infinita*) under which goods were seized like war spoils (*praeda*).[1] The transferral of the vocabulary and imagery of military sales onto the civic stage is a rhetorical strategy that was already anticipated in Cicero's oratory, as well as in the almost contemporary *De officiis*.[2] Rather than a generic denunciation of the

1 Cic. *Phil*. 4.8.9: *Sed spes rapiendi atque praedandi occaecat animos eorum, quos non bonorum donatio, non agrorum adsignatio, non illa infinita hasta satiavit; qui sibi urbem, qui bona et fortunas civium ad praedam proposuerunt; qui, dum hic sit quod rapiant, quod auferant, nihil sibi defuturum arbitrator*.

2 In *Off*. 2.27, Cicero recalls the aftermath of Sulla's victory against the Marians in 82 BCE and reproaches his cruelty and abuse of the ritual of the *hasta*, which had by then been transferred into the Roman Forum to sell the goods of citizens as if they were his own spoils: *hasta posita cum bona in foro venderet et bonorum virorum et locupletium et certes civium, praedam se suam vendere*. In *Off*. 2.83, he directly links Sulla's sales with Caesar's confiscations and laments that the spear has been set up twice in the Forum to sell the goods of citizens under the voice of the auctioneer: *ut bis iam vidimus, hastam in foro ponere et bona civium voici subicere praeconis*. This idea was already formulated in *Verr*. 2.3.81: *bona civium*

proscriptions, Cicero's careful and intentional choice of the terminology of the *venditio sub hasta* was a specific objection to what he considered to be a political misappropriation of a procedure that was arbitrarily applied in the wrong place and for the wrong reasons.[3] Cicero's *hasta infinita* was thus a conception of the misuse of power, one that was deeply rooted in the orator's patrimonial ideology.[4] By the end of 44 BCE, this idea crystallised not only as a bold criticism of Marcus Antonius' present and past objectionable policies, but also as a powerful warning for the future.[5] For the modern reader, the expression seems to prophetically announce the dramatic waves of proscriptions, condemnations and confiscations that were suffered by the enemies of the Triumvirs from the end of 43 BCE. This regulated practice of appropriating citizens' patrimonies became a highly useful strategy, not only to punish and humiliate their opponents, but also to re-allocate property rights and obtain immediate monetary resources to reward soldiers and their supporters. Along with these extreme punitive measures, the Triumviral period was also marked by the constant monetary needs, which conditioned what was perceived as an onerous, abusive and arbitrary taxation policy. Just a few months before the instauration of the Triumvirate and his own violent death, Cicero admitted in a letter to his friend Quintus Cornificius – by then proconsul of Africa Vetus and in need of money – his concerns about the desolate state of the Senate and the dramatic situation of the public finances (*incredibiles angustiae pecuniae publicae*), which obliged the State to resort to a special levy (*tributum*) on citizens.[6]

Romanorum cum venderet, se praedam suam vendere; and in the elaborated criticism of the agrarian bill proposed by the tribune P. Servilius Rullus in 63 BCE, *Leg agr.* 2.56: *L. Sulla cum bona indemnatorum ciuium funesta illa auctione sua venderet et se praedam suam diceret vendere*. On Cicero's use of the vocabulary of military sales in the civic sphere, see García Morcillo 2016; Donadio 2016; van der Blom 2017.

3 According to Hinard (1985: 190-192; 2011: 70-72), Cicero did not question per se the legitimacy of the proscriptions.

4 Cicero discusses in the *De officiis* the dispossession of Roman families' fortunes as the core of a long lasting disease, seed and cause of civil wars (*bellorum civilium semen et causa*). See Ferriès 2016: 140, on the financial and social impact of the confiscations.

5 This is epitomised by Cicero's dramatic description of the spectacular and morally reprehensible auction of Pompeius' goods on the Forum, staged by Antonius, *Off.* 2.83. The *miserabilis aspectus* of the sale and its irregularities are critically described in detail in the second *Philippica*, 2.64-65; see García Morcillo 2016: 125-128 (with further evidence).

6 Cic. *Fam.* 12.30.4 (Rome, ca. 9 June 43 BCE). On this episode, see Nicolet 1976b: 87-88.

The concerns expressed in these two late Ciceronian texts – the use, abuse and impact of confiscations, and the introduction and management of unpopular fiscal measures – represent both defining traits and major challenges of the politically turbulent years of Triumviral power. Beyond the narratives that linked power abuse with short-term needs, interests and agendas of the *triumviri*, this contribution aims to discuss the financial and economic strategies that can be identified as medium or long-term projects that prioritised a return to stability and reliability over insecurity and uncertainty. Firstly, I will address the possible rationale for the decisions and actions linked to the sale of property, their profitability and the consequences of contested property-rights. In connection with these initiatives, I will then briefly examine some relevant monetary strategies during this period. Finally, I will provide an insight into the Triumviral fiscal policies, aside from the extraordinary taxation and exactions, in order to help identify the underlying institutional developments that attempted to re-establish order and security within the economic system. The working thesis of this chapter is that the Triumvirate was a period in which the short-term, quick-reward initiatives imposed by effective enforcement mechanisms cohabited – despite the cyclic uncertainties that conditioned economic performance – with long-term, slow-moving institutions that reflected fundamental, gradual developments within public finances, law and society. The aim of this research is to gain a better understanding of the complex, embedded socio-economic factors that ultimately lead to institutional change.

2. Triumviral confiscations: challenging social norms and property rights

The theme of Republican and imperial confiscations has been the focus of recent scholarly attention, which has deepened and enriched our understanding of this phenomenon as an instrument of power, and shed new light on its far-reaching cultural, social and economic consequences.[7] One of the main problems that these processes generated in the long term was an extended, collective perception of unprotected property rights.[8]

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7 Fundamental contributions to the political instrumentalization of the proscriptions and confiscations include Hinard 1985; Salerno 1990; and more recently the collective volumes by Ferriès – Delrieux 2013, and Chillet – Ferriès – Rivière 2016.

8 On confiscations and the lack of protections for property rights, Rivière 2016.

Appian's summary of the causes and intentions of the Triumviral proscriptions emphasises the monetary urgency (which was also accentuated by the blockage over the Asian revenues, now in the hands of Brutus and Cassius) as the vector that triggered the confiscations and forced them to introduce new fiscal burdens within Italy.[9] Aside from initiatives against personal enemies, relatives and friends, Appian comments on how many became victims of these proscriptions simply due to their wealth (ἐδέοντο γὰρ ἐς τὸν πόλεμον χρημάτων πολλῶν). The text pinpoints the arbitrary inclusion of names onto open lists, which increased the sense of uncertainty. Appian's passage appears to echo Cicero's lament of the *hasta infinita* and the possibility that the beneficiaries of the proscriptions could become their next victims.[10] The mention of heavy tax burdens, including levies on sales and rents, as well as the number of condemned senators and equestrians, also became part of this atmosphere of terror, especially in the absence of clear strategic direction. Appian's narrative insists on the sense of improvisation, which brought about an ineffective management of the sale of confiscated properties and a negative, counterproductive, sense of fear into the market: "The houses of the proscribed were gutted, but there were not many buyers of their lands. Some were ashamed to add to the burdens of the unfortunate. Others thought that such property would bring them bad luck, or that it would not be quite safe for them to be seen with gold and silver in their possession, or that, as they were not free from danger with their present holdings, it would be extra-hazardous to increase them."[11] The picture drawn by Appian is that of a devaluated market, damaged by a lack of security and the negative effects that participation in such auctions would have on the buyer's reputation.[12] The next sentence reaffirms this point: "Only the boldest spirits came forward and purchased at

9 App. *B Civ.* 4.5.

10 Ferriès (2013: 395 and 2016: 147) discusses convincingly how the open lists of the Triumviral proscriptions caused the problem to last longer. They were used both as an instrument to create a treasury, as well as to eliminate the enemy, yet also expanded a constant, quite generalised fear towards new waves of proscriptions.

11 App. *B Civ.* 4.31 (transl. H. White): τῶν δὲ προγεγραμμένων τὰ μὲν ἐν ταῖς οἰκίαις διεφορεῖτο, καὶ οὐ πολὺς ἦν ὁ τὰ χωρία ὠνούμενος, οἱ μὲν ἐπιβαρεῖν τοῖς ἠτυχηκόσιν αἰδούμενοι καὶ οὐκ ἐν αἰσίῳ σφίσι τὰ ἐκείνων ἔσεσθαι νομίζοντες οὐδὲ ἀσφαλὲς ὅλως χρυσίον ἢ ἀργύριον ἔχοντας ὁρᾶσθαι οὐδὲ τὰς ἐπικτήσεις νῦν ἀκινδύνους, πολὺ δὲ μᾶλλον τὰ ὄντα ἐπικίνδυνα.

12 This is a factor that had been also highlighted by Cicero in the case of the sale of Pompeius' goods in the Forum. On that occasion, with the exception of Antonius himself, acting as a bidder, nobody ventured to participate in the sale, even if the *hasta* was surrounded by a crowd, *Phil.* 2.64.

the lowest prices, because they were the only buyers. Thus, it came to pass that the Triumvirs, who had hoped to realize a sufficient sum for their preparations, were short 20,000,000 of drachmas (denarii)."[13] Fundamentally, the text makes it clear that this type of public sales generated bargains (and thus huge profits) to purchasers, rather than to the sellers in need, but they also came with a social price for the bidders that was not easy to bear. Appian insists on the negative outcomes, namely that purchasers with the monetary capacity to buy might subsequently run the risk of becoming the targets of proscriptions themselves. We do not know, however, to what extent such conditioning circumstances affected the broader strata of the population, outside of the senatorial groups. This was, above all else, a potentially good market for professionals and speculators such as *sectores bonorum* and *negotiatores*, those with experience as risk-takers who were well connected to other networks of redistribution.

The enormous impact of the public nature of the sales of confiscated goods was also used by the Triumvirs to promote and visualise their policies of compensation to the victims of the proscriptions.[14] Cassius Dio notes that the relatives of victims could legally recover a third of the proscribed properties, but also shows the difficulty of such operations in practice: "For when they were being openly and violently despoiled of two-thirds, how were they to recover the other third, especially since their goods were being sold for an extremely low price?"[15] The author highlights the problem that at wholesale auctions, the bidding required ready gold and silver, which was scarce or intentionally hidden by anyone who feared further waves of confiscations. This provoked the lowering of prices. A second problem mentioned by the Severan author is that the Triumvirs clearly favoured soldiers, who could acquire such goods for far below their real value, leaving little for private citizens. "Only those, indeed, who bore arms gained great wealth", concludes Dio.[16] The presence of external bidders acting on the behalf of condemned citizens who aimed to recover part of their confiscated goods, or merely

13 App. *B Civ.* 4.31 (transl. H. White): μόνοι δὲ οἱ διὰ θρασύτητα προσιόντες, ἅτε μόνοι, βραχυτάτου πάμπαν ὠνοῦντο. Ὅθεν τοῖς ἄρχουσιν, ἐλπίσασιν ἐς τὰς τοῦ πολέμου παρασκευὰς τάδε ἀρκέσειν, ἐνέδει μυριάδων ἔτι δισμυρίων.

14 Appian describes how sons tried to recover the goods of their fathers by bidding at the auction (*B Civ.* 4.29).

15 Dio Cass. 47.17 (trans. E. Cary): τοῦτο μὲν γὰρ πολλῶν ἅμα ἀποκηρυττομένων, καὶ τῶν ἀνθρώπων τῶν πλειόνων καὶ ἀχρύσων καὶ ἀναργύρων ὄντων.

16 Dio Cass. 47.17 (trans. E. Cary).

participating for their own interest, faced frequent manipulation of the bidding in order to benefit soldiers. Again, Cassius Dio explains how the Triumvirs used these auctions as systems to compensate and reward soldiers and their followers. They made sure that external bidders would not raise the prices for the soldiers by forbidding their participation unless they could assure the purchase, under threat of death.[17] This measure opened the door to shill bidding, a manipulation of the sale to artificially raise prices and make external bidders pay exaggerated amounts if they decided to compete against the soldiers. It also served, as Cassius Dio himself explains, as a deterrent against future external bidders. The text depicts these sales of confiscated goods as being very unfavourable economic environments, in which the rules of clear information that shaped these market procedures were manipulated by the public authorities. Such interventionism killed free competition, and questioned the existence of the auctions as transparent, secure spaces of exchange and of transfer of rights. Cassius Dio's emphasis on the minimal profitability of these sales, in terms of monetary revenues, fosters the idea that such abuse led ultimately to a deficient economic management.

The background to these financial strategies was the conflict between the need to secure immediate rewards for soldiers in the short term, on the one hand, and an awareness of the negative consequences of the proscriptions for the second generation of victims in the long term, on the other. The possibility to partially reacquire the goods was a measure that aimed to avoid the problems of contested property-rights that had already provoked political conflicts in the years that followed the Sullan proscriptions. This explains, for example, Cicero's defence of a non-interventionist response when a restitution for the victims of Sullan redistributions was proposed.[18]

The desire to avoid replicating the 'mistakes' of the Sullan proscriptions, as well as their negative impact on the collective memory, also explains why the Triumvirs attenuated the severe punitive measures against the sons of those who were proscribed, and why they approved a series of compensations for the victims' relatives. In 42 BCE, they accepted that the dowries of wives should be preserved, and that the sons would be able to claim a tenth of the

17 Dio Cass. 47.14.

18 On Cicero's opposition to the restitution of goods to the victims of Sulla, see Cic. *Leg. agr.* 3.15; *Att.* 1.19.4, see also Quint. *Inst.* 11.1.85. On this conflict and the defence of a status quo, see further Ferriès 2016: 155-156.

goods and the daughters a twentieth.[19] Within the agreements of Misenum of 39 BCE, a collective *restitutio* granted security to anyone affected by the proscriptions, as well as the right to claim a quarter of the confiscated goods.[20] It seems reasonable to interpret this decision in line with the idea of preventing future property claims.[21] A complementary hypothesis to this interpretation could be that such measures, far from questioning the continuity of the *res familiaris*, were foremost – despite the cycles of confiscations – aimed at protecting it. This initiative may have been linked with the recently approved *Lex Falcidia*, to which I will refer below. The stock of knowledge acquired by previous experiences must have been key to implementing these specific measures.[22]

The Triumvirs' monetary urgencies led also to the production of large quantities of coinage and a wide variety of types that were characterised by a high correspondence between nominal and intrinsic value.[23] This high-quality coinage was mostly possible thanks to the taxes, exactions and sales of property that followed the confiscations of 43 BCE, and aimed to boost circulation beyond the donatives, rewards and pending payments to soldiers and other supporters. These initiatives faced the thesaurisation of monetary resources as a result of the economic and political insecurity, and thus the removal of existing coinage from the market.[24] A complementary, and certainly controversial, measure was to resort to existing large monetary deposits. In order to pay the rewards promised to the veterans (given the blockage of the

19 Dio Cass. 47.17.2.

20 Dio Cass. 48.36.3-4. Appian specifies that the property of those who had fled in fear yet had not been condemned by the senate should be fully restored, except for movable goods. *B Civ.* 5.72;

21 In this regard, see Ferriès 2016: 158. See also Hinard 1985: 545-549. Woytek (2003: 402-403), doubts about the effective application of these norms. Yet, if we take into account the evolution of the fiscal and financial policies of the Triumvirs in those years, these initiatives of compensation can be linked with the attempted, progressive return to the socio-economic stability. In this context, such measures would have made complete sense.

22 The late Republican experience was fundamental to the development of legislative *corpora* on these legislative and political processes during the early Principate. Rivière (2016: 12) convincingly demonstrates this point in the case of the *Senatus Consultum de Cneo Pisone patre* (20 CE), which explicitly exempted the son of Piso from the confiscation of the familiar patrimony.

23 This is particularly attested for the Rome mint during the year 42 BCE. The monetary issues and policies during this period have been studied by Woytek 2003; 2016.

24 According to Crawford (1969; 1985), thesaurisation appears to have been quite high in this period, judging from the large number of deposits found in Italy.

provinces), Octavian borrowed money from the old and wealthy Latial sanctuaries of Antium, Lanuvium, Nemus and Tibur (and the temple of Capitoline Jupiter in Rome) just before the Perusine war in 41 BCE. Appian informs that Octavian took the store of consecrated money (ιερά χρήματα) from the *thesauroi* with a promise to return the loan.[25] Cassius Dio's version of these events is more critical, as he accuses Caesar's veterans of removing all the votive offerings (ἀναθήματα) to convert them into money.[26] Despite the sense of improvisation and abuse suggested by the texts, these types of requisitions were in fact not exceptional. Forced loans from sanctuaries had already been undertaken by Caesar in 47 BCE.[27] Although Roman temples – unlike Greek sanctuaries – did not operate as banking institutions, the consecrated money mentioned by Appian was the *pecunia stipis*, a monetary contribution or donation that was recorded, among others, in the *Lex Ursonensis* (44 BCE), which regulated its use.[28] Accordingly, *stipes* could be desacralized and put back into circulation by the public authority of the city. Equally, votive objects were not inviolable – they could be legally melted down and converted into coinage. The *Lex Aedis Furfersi*s (58 BCE) concerning the sanctuary of Jupiter Liber in the *vicus* of Furfo regulated the reuse of donations that could be sold, if so required (lin. 11-12).[29] Epigraphic evidence confirms that many precious objects deposited in Latial temples were the result of fines.[30] The proliferation of metal ex-votos – which replaced those of terracotta – deposited in Italic temples towards the end of the Republic can be further read as a sign of the increasing wealth of donors in this period, which would tally with the initiative of the Triumvirs.[31] Recent research on the Asklepeion of Corinth has

25 App. *B Civ*. 5.24.

26 Dio Cass. 48.12.4.

27 Loans and requisitions from Italic temples have been studied among others by Bodei Giglioni 1977; Malrieu 2005; Granino Cerere 2009. Following Philippi, Antonius took statues and votive objects from the temples in the East. Octavian also did so in Egypt, with promises of restitution, Dio Cass. 53.2.

28 *CIL* 2^2.5.1020; Crawford, *Roman Statutes* I, 393-454, n. 25.72. Towards the end of the 2nd century CE, Tertullian denounced the frequent payment of fees and monetary offers in temples, Tert. *Ad Nat*. 1.10.20-24, *Apol*. 13.5. On the *stipes* paid by worshipers, see Estienne – de Cazanove 2009: 26–28.

29 On the *Lex Aedis Furfensis*, see *CIL* 9.3513; 1^2.556; *ILLRP* 508; Bruns 7.105; Laffi 2001a: 515-544. On the reuse of coins from *thesauri*, see also Crawford 2003.

30 Specifically, in Lanuvium, Tusculum and Tibur, cf. Estienne – de Cazanove 2009. On such fines, see also Piacentin 2018.

31 Estienne – de Cazanove 2009.

also revealed a series of coins issued by Antonius in Greece, which were deposited in the *thesauros* and could have been *stipes* or entry fees.[32] This deposit coincided with the revitalisation of temples, as well as a period of certain economic stability in the area. The use and melting down of sacred metal deposits may have been unpopular, but it was certainly a legitimate means of meeting pending or promised payments, and ultimately of (re)initiating the continuous circulation of coinage that made the monetary economy possible. However, these initiatives ultimately demonstrate that the Triumvirs, despite their changing agendas, needed to put in place policies that enabled a more stable source of revenues.

3. Fiscal policies between urgency and long-term strategies

Did the Triumviral period have a recognisable policy on taxation? In other words, is it possible to identify fiscal measures that resulted less from the cyclical short-term financial urgencies – which were directly affected by the vertiginous curse of military and political events – and more from sustained, long-term strategies?

Cassius Dio and Appian tend to group the numerous taxes, extraordinary levies and exactions imposed by the *triumviri* together as part of the negative narratives dominated by the spectacular violence of the confiscations. Indeed, taxation tends to be embedded within long and varied lists of abuse and arbitrary decisions that underpinned – sometimes overwhelmingly – the sense of unfairness and extravagance of the ruling powers. Above all, these accounts suggest rapacity, provisional agendas and a certain sense of improvisation. Was it really so?[33]

An important consideration here is the absence during this period of an updated *aestimatio censoria* that would have permitted the authorities to more precisely evaluate the size of individual fortunes. Such a record would have enabled to plan exactions and taxation, as well as reduce the risk of miscalculations, disorder and arbitrary abuse.[34] The lack of such official data

32 This deposit has been studied by Melfi 2014.

33 Nicolet 1976b: 89-98; Scuderi 1979; Laffi 2001b; and more recently Woytek 2003, have contributed to making sense of the Triumviral fiscal policies.

34 The evaluation included all types of properties, as well as financial obligations, credits and monetary incomes, which needed to be registered, as was explained for instance

would have increased the sense of unfairness associated with direct taxation, which was in any case perceived as an irregular measure that affected the property and *dignitas* of citizens. The need to resort to extraordinary *tributa* in Italy was, as we have seen above, a measure that was already foreseen as unavoidable by Cicero and the Senate due to the increasing military expenditures during the crisis that followed Caesar's assassination and before the officialization of the Triumvirate.[35] At the beginning of 43 BCE, during the conflict that led to Antonius' defeat at Mutina, the Senate imposed a payment of 4% on the wealth of all citizens; senators also had to pay four obols (c. ten asses) for every roof tile on the houses they owned or rented. Wealthy senators were also asked to contribute to the manufacturing of weapons and other military equipment. This measure was noted by Cassius Dio, and can also be confirmed by a fragment of a letter from Cicero to Octavian dated to February 43 BCE.[36] Dio also commented on the unpopularity of these measures, which were only accepted by those who hated Antonius. The initiative concerning the roof tiles cannot be adequately explained without considering the remarkable expansion of edilician works, as well as of investments in urban building throughout the first century BCE, and specifically during the Triumviral period.[37]

It is relevant to consider these precedents when contextualising the ulterior initiatives of the Triumvirs, as well as to account for the specific agendas and circumstances during the different phases that marked this period. The various contexts and aims also implied different perceptions of reality – of the present, the future and the uncertainties ahead. These must have influenced the process of decision-making among policy makers, as well as affecting the sense of unfairness and abuse, not just for upper-class Romans

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by Cic. *Flac*. 80. The censors had the power to determine the amount of every contribution, Civ. *Verr*. 2.2.131. On the practical problems, including irregularities, that the absence of this essential information provoked during this unstable period, see Scuderi 1979: 349-350.

35 Cic. *Fam.* 12.30.4. See also Cic. *Off*. 2.74, where Cicero justifies such burdens only in times of a crisis of the state, and calls for an effort to raise the awareness of contributors about the needs of the *res publica*.

36 Dio Cass. 46.31-32. Cic. *Ad Caes. Iun. Frg*. 4.5. The passage comments that around sixty million sesterces could be obtained if three sesterces were collected for every tile.

37 As has been noted by Scuderi 1979: 348. Maschek (in this volume) suggests that considerable public and private spending and monetary redistribution would explain the remarkable number of recorded public works and infrastructures undertaken during the Triumvirate, as well as of private monuments erected in the same period.

but for all the inhabitants of Italy.[38] These mental processes are fundamental to comprehending financial and economic performance, even if they are very difficult to identify, as they are frequently elusive in the historical record.

The majority of the taxes introduced by the Triumviri between 43 and 31 BCE were facilitated by the extraordinary powers granted to them by the *Lex Titia*, which also foresaw the speedy implementation of new laws.[39] Plutarch summarises that they introduced all possible forms of taxes (οὐδὲ τελῶν πᾶν ἐκίνησαν γένος).[40] Most of these had an exceptional, unique character. Among these, Cassius Dio notes the attacks against private property at the end of 43 BCE, a tax (τέλος) equivalent to one year's rent for leasers and half of this for renters, which was applied to the whole of Italy, as well as an exaction of half of the income of rural properties.[41] Appian provides a somewhat complementary account, contrasting the abilities of Brutus and Cassius to collect money in Asia with the difficulties of imposing more taxes on the already exhausted Italian cities and Roman citizens. Confiscations from senators and knights were combined with heavy contributions from plebeians and women, as well as taxes on sales and rentals.[42] In a later passage, Appian elaborates a case concerning the requisition addressed to 1,400 wealthy *matronae,* who were asked to make a valuation (ἐπιτίμια) of their properties and provide what the Triumvirs required for the needs of the war. The determined protests from the women were noted by Appian through a passionate speech in the Forum by Hortensia, daughter of the renowned orator, who accused the Triumvirs of imposing an unfair and unprecedented burden, one that was not even justified by an external threat. The speech underlines the extreme suffering of the women who, after being deprived of their husbands, sons and male relatives,

38 Nicolet (1976b: 90-91) discusses Cassius Dio's narrative concerning a general perception of injustice among different groups of population affected by the financial and fiscal measures.

39 Laws were mostly introduced as edicts and without the participation of the senate or the people, Laffi 2001b.

40 Plut. *Ant*. 21.3.

41 Dio also mentions that cities were forced to provide accommodation to soldiers, who were allowed to commit pillages throughout the country, Dio Cass. 47.14.2-4. According to Gabba 1977: 320-322, the tax upon rents reflected flourishing urban businesses. However, as Rosillo-López notices (this volume and forthcoming), it should also be considered the negative impact that the large destruction of houses throughout Italy might have had on the rental market, what increased the resistance of Italians against such fiscal measures.

42 App. *B Civ*. 4.5: δι' ἃ καὶ τοῖς δημόταις καὶ ταῖς γυναιξὶ λήγοντες ἐπέγραψαν εἰσφορὰς βαρυτάτας, καὶ τέλη πράσεων καὶ μισθώσεων ἐπενόησαν.

and despite their lack of political rights, now faced a heavy burden that threatened the very roots of their dignity – their property.[43] Despite initial resistance, the spread of the protests led the Triumvirs to reduce the number of women who had to present their valuation (ἀποτιμᾶσθαι τὰ ὄντα) to 400. However, to compensate for this, they also decreed that all men (irrespective of their status) who possessed more than 100,000 drachmas (denarii) should lend 2% of their property at interest, and make a contribution of one year of their incomes.[44] The cautious rectification of the Triumvirs thus indicates an awareness of the massive consequences that such extraordinary and generalised fiscal burdens may have had on the pillars of the patrimonial system, which in the end also sustained the political institutions.

In the year 42 BCE, during the conflict with Sextus Pompeius, the Triumvirs imposed a payment of one tenth of the value on all properties, which was preceded by a new patrimonial valuation under threat of confiscation, while senators were obliged to fund the reparation of roads.[45] Appian adds that a tax of 25 denarii per slave was imposed on every owner through an edict. This exaction was reduced by half in the year 40 BCE, when the city of Rome was suffering from severe food restrictions as a consequence of the blockage of Pompeius' Sicilian float.[46] The fiscal burden was lowered following the victory over Pompeius, when Octavian solemnly proclaimed the remission of a tribute (φόρος) on registered properties, the cancellation of debts dating from before the wars, and the abolition of certain indirect taxes (τέλη).[47] However, in 31 BCE, amid the conflict between Octavian and Antonius, the former again resorted to imposing fiscal burdens on Italian citizens. Freedmen who had fortunes over two hundred thousand sesterces were required to contribute an eighth of their fortunes. The revolts that followed as a result of this exaction ended in a major extortion, amounting to a quarter of their yearly revenue.[48] Both Appian and Cassius Dio highlight the increasingly collective opposition to such extraordinary measures, which were perceived as arbitrary, as well as the difficulties in justifying them, despite the military urgency.

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43 App. *B Civ*. 4.32-33. On this episode, see Nicolet 1976b: 94; Scuderi 1979: 357-360.

44 App. *B Civ*. 4.34.

45 Dio Cass. 47.16-17. Citizens also had to supply slaves for the navy, or pay for them.

46 App. *B Civ*. 5.67. Cassius Dio (48.31) refers more generically to taxes upon slave ownership in the year 40 BCE. On this episode, see also Rosillo-López in this volume.

47 Dio Cass. 49.15. Very similarly, Appian explains that unpaid taxes were remitted, and leaseholders of public land were liberated from their debts, *B Civ*. 5.130.

48 Dio Cass. 50.10.

Beyond the constant state of exceptionality that permeates the literary narrative over these impositions, some recorded initiatives throughout this period nonetheless suggest thoughtful attempts to introduce more stable, rationalised fiscal policies. Among the exactions imposed in the year 42 BCE over land revenues and slaves, Cassius Dio also mentions the reestablishment of taxes that had been abolished in the past.[49] These τέλη may allude to the Italian *portoria* that had been suspended by the *Lex Caecilia* in 60 BCE, which were originally introduced by Caesar.[50] The hypothesis that this contribution could have corresponded to the taxes on sales and rents (τέλη πράσεων καὶ μισθώσεων) mentioned by Appian as part of the fiscal package imposed at the end of 43 BCE (*B Civ*. 4.5) is also worth considering.[51] The re-instauration of such indirect taxes in any case denotes plans with long-term implications for all social strata, which explains the widespread popular resistance against them recorded in the sources. The edict of 40 BCE, which is mentioned in a passage by Appian that refers to the reduced fiscal burden on slave-owners, also contained a percentage tax to be paid by those who accepted inheritances.[52] The publication of this edict provoked violent riots and casualties. The widespread rejection of these extra taxes is explained by Appian as an outright refusal of the Triumvirs' policies, as well as the economic and social consequences of their struggles for power.

The inheritance tax was a regular perceptual contribution, as were the *portoria*, sales levies, and other indirect taxes; it was thus not of immediate benefit, but rather implied medium or long-term profitability, as it was paid only upon the transfer of property rights to the heir. Could this tax be the *vicesima hereditatium*, a 5% contribution later introduced by Augustus? The passage from Cassius Dio that provides this information seems to suggest this, as it adds that Augustus justified the approval of this τέλος on inheritances and legacies by arguing that he had found the plans for its introduction in Caesar's memoranda (ὑπόμνημα).[53] Dio specifies that the tax had been introduced once,

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49 Dio Cass. 47.16.3: οὐ μὴν ἀλλὰ τὸ μὲν τῶν τελῶν τῶν πρότερον μέν ποτε καταλυθέντων τότε δὲ αὖθις ἐπαναχθέντων ἢ καὶ ἐκ καινῆς προσκαταστάντων.

50 De Laet 1949: 59-62; Laffi 2001b: 429.

51 Also worthy of inclusion is the hypothesis that the *telos praseon* may have been a sort of precedent of the *centesima rerum uenalium* introduced by Augustus despite popular resistance after the civil wars, and which would later become an essential support of the *aerarium militare*, founded in AD 6, Tac. *Ann*. 1.78.

52 App. *B Civ.* 5.67: ἐσφέρειν δὲ καὶ μοῖραν τοὺς ἐκ διαθήκης τι καρπουμένους.

53 Dio Cass. 55.25.5-6. See also Plin. *Pan*. 37.

yet was subsequently abolished and was now revived once more. This *argumentum ex silentio* suggests that the tax had first been effectively implemented by the Triumvirs in 40 BCE.[54] It has been proposed that the omission of the Triumviral reform in Dio's text could have been motivated by Augustus' need to once again justify a deeply unpopular tax, which continued to provoke protests among senators and upper-class Romans. One argument in favour of the *vicesima hereditatium* being a long-term plan – one that was already in Caesar's agenda and then executed by Antonius and Octavian, only to be aborted shortly afterwards – can be provided by a passage from the first book of the Digest. The passage mentions Aulus Ofilius, a famous jurist and best friend of Caesar, who was apparently the first to write the statutes of the *vicesima*.[55] Augustus' definitive re-instauration of the *vicesima hereditatium* was motivated by the fact that this tax, alongside the *centesima rerum venalium*, was part of a package necessary to sustain the new military treasury, created in 6 CE.[56] The stable conditions of the extended Augustan age made it possible, more than 40 years after the first attempts, to consolidate a key revenue for the imperial administration, as well as to largely maintain its now professionalised army without depending on extraordinary exactions.

It is tempting to also connect the Triumviral inheritance tax with a law enacted by the tribune Publius Falcidius through a *plebiscitum,* also in 40 BCE. The *Lex Falcidia*, already planned for 41 BCE, was noted by Cassius Dio as among the most remarkable events of that year.[57] The law obligated that at least a quarter of inheritances would pass to the designated heir(s), so that donations would not exceed three quarters of the estate. Dio also adds that the "law is in full force even today". The 2nd century CE jurist Gaius also confirmed its validity at the time in his *Institutes*. A whole chapter of the Digest attests its vigour (with reforms) in the Justinian legislation.[58] The *Lex Falcidia* is evoked by Gaius as the last and most effective in a series of legislative

54 According to Nicolet (1976a: 247; 1976b: 96-98), this inheritance tax was a temporary solution interrupted by the war. See also Woytek 2003: 406, Günther 2005: 13-15; 2008: 27-32.

55 *Dig.* 1.2.44. (*Pomp. l. S. enchir.*).

56 Suetonius (*Aug.* 49.2) mentions that Augustus created the military treasure *cum vectigalibus novis*. One of these taxes was the *centesima* (Tac. *Ann*. 1.78), whilst the other one was the *vicesima hereditatium*. See Corbier 1974: 699-701; Nicolet 1988: 258-259; Günther 2008: 36-38; García Morcillo 2008: 264-267.

57 Dio Cass. 48.33.5. See also Günther 2005: 14-15.

58 Gai. *Inst.* 2.227; Dig. 35.2 (*ad legem Falcidiam*).

reforms – also including the *Lex Furia testamentaria* (181 BCE) and the *Lex Voconia* (169 BCE) – that attempted to protect heirs from the risk of entire patrimonial fortunes being exhausted through donations and legacies before the death of the donor.[59] The tax on inheritances was thus planned on the basis of solid experience and knowledge concerning the mobility and fragmentation of patrimonial fortunes in the last century of the Republic, an issue that became particularly devastating for all factions during the subsequent civil wars. The almost contemporary approval of the *Lex Falcidia* and the inheritance tax makes it difficult to separate one initiative from the other. Beyond the impact of the popular resistance to the new tax and the instability provoked by the successive war-conflicts, it is logical to assume that the *Lex Falcidia* was intended to introduce a factor of stability to the greatly strained and challenged patrimonial fortunes after successive waves of confiscations and direct fiscal exactions, while also seeking to limit the impact of profit-seeking irregular donations that were more difficult for the state to control.[60] This attempt to implement regular revenues, and to progressively release citizens from irregular direct tributes was a necessary condition for the success of a tax that depended on a steady and reliable economic environment and the regular functioning of one of the most common and preferred forms of property transfer among Romans. We need not dwell on the economic profit generated by inheritances and legacies across social strata, nor the extreme frequency of this practice outside family circles.[61] The lack of an adequate, stable socio-economic environment provoked by the conflicts both outside and inside the ruling coalition aborted the continuity of the inheritance tax during the Triumviral period, yet this failed trial also contributed to establishing the basis for its future reintroduction and consolidation.

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59 Gai. *Inst*. 2. 224-226. The *Lex Voconia* tried also to prevent women from becoming heirs, cf. McClintock 2017 (with bibliography). According to Wesel 1964, the *Lex Falcidia* attempted to correct the inefficiency of the *Lex Volconia*, which affected the census figures and could not prevent the problem of patrimonies changing hands without control. Nicolet (1976b: 95-96) suggests that the tax would have been abolished by Octavian in 36 BCE.

60 Watson 1971: 171, underlines the importance of the historical context in which the Law was approved to understand its function as an enforcement mechanism aimed at stabilising fortunes. The regulations of the *donatio mortis causa*, the *donatio inter virum et uxorem*, and other donations *cum conditione* attest the efforts of Roman legislators to prevent actions that broke the natural succession lines of the *res familiaris*.

61 Cicero, for instance, admitted to having received more than 20 million HS in bequests, *Phil*. 2.40. On the social ubiquity of wills, donations and legacies, see Stern 2000.

The long-running and accidental reforms that ultimately enabled the consolidation of the inheritance tax in the Julio-Claudian age ran parallel to the debate over the need to avoid property taxes, which could have left citizens without their rights. Cicero's theoretical reasoning on fiscal matters within the *De officiis* recommended that any state should, well ahead of time, plan viable alternatives to the re-instauration of the *tributum*, which under normal conditions should be prevented. Despite the institutional instability of the period, which obliged the Triumvirs to resort to such irregular burdens, other systems of taxation emerged within this testing ground as prospectively solid revenue streams for public finances.[62]

4. Trial and error, and the path to stability

aside the short-term, mostly predatory, measures like confiscations and extraordinary, abusive exactions undertaken by the Triumvirs between 43 and 31 BCE, we can identify, particularly from 41 BCE, several initiatives that attempted to implement alternative, long-term and thus more efficient taxation. Less oppressive reforms aimed to boost economic performance, protect patrimonial fortunes and social structures, and obtain revenues from the associated transferral of rights. Both types of policies appear to have cohabited during a period that was marked by constant change.

Why did the Triumvirs fail in their attempts to implement more effective and stable fiscal and financial policies? There is obviously no single answer to this complex question. The theoretical framework developed by New Institutional Economics (NIE), which has been applied in the last two decades in studies of the Ancient Economy, provides some conceptual tools that can help us better understand how historical processes interplay with economic and institutional changes, and thus contribute to sketch a bigger picture for our case in point.[63] Following NIE we could conclude that the enforcement strategies and formal norms imposed by the Triumvirs to implement their financial agenda were not substantially backed by informal norms. According to Douglass North, these refer to the set of customs,

62 Cic. *Off.* 2.74. Nicolet 1976b: 97 synthesises this passage as an expression of Cicero's 'morale fiscale' addressed to rulers.

63 On the application of NIE on the Roman Economy see for instance Scheidel – Morris – Saller 2007; Kehoe – Ratzan – Yiftach 2015; Verboven 2015.

beliefs, collective mental and moral frameworks that shape a society. In state-directed reforms limited to formal rules, informal rules are resistant to change. However, they have a pervasive influence in society and shape the long-term character of economies.[64] The ambiguous property rights during the Triumviral period, and the increasing mistrust towards the tax enforcers and their coercive measures made the success of these formal norms impossible. The incidental history of the Roman inheritance tax, used as a model in modern law systems, could be read in this light. Only when law and government – the institutional framework – are stable can short-term economic and financial policies reignite growth. This was not the case during the Triumvirate. The institutional matrix was not a solid entity and was thus inadequate to implement such reforms. There was no 'goodness of fit' – a term also coined by North – between the specific innovation and the broader institutional environment, including social norms, beliefs and expectations. These reforms were perceived by the majority of the Italian population – not just the elite – as fundamentally unfair, even if some of them (e.g. the inheritance tax) did not impact directly on fortunes, but their transfer. Institutional changes do not necessary require consensus, but they at least need a favourable 'belief system' (e.g. an accepted collective perception of fairness), an incentive to obey and enforce the rules. Another useful concept borrowed from NIE and evolutionary theories is that of adaptative efficiency: as is the case with humans, societies grow with knowledge and experience. The success of certain policies depends on the maintenance of institutions that permit trial and error experiments to occur in order to identify which measures are truly effective and which must be abandoned.[65] In this sense, we could also read the Triumviral period as one of trial and error. Despite disruptive moments, these failed reforms were ultimately also fundamental to the consolidation of the new institutional framework and reforms that were introduced during the Augustan age. The Triumvirs did not entirely manage to break the vicious circle of the *hasta infinita*, but their experience was key to the construction of the more or less stable institutions that sustained the Principate.

64 North 1990: 119. Economic change is thus shaped by both formal and informal norms.

65 North 2005: 6; 107-108; 169-170.

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V
THE TRIUMVIRS AND THE PROVINCES

PROVINCES AND PROVINCIAL COMMAND DURING THE TRIUMVIRATE:
HISPANIA AS A STUDY CASE

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Caesar's victory at Munda (17 March 45) ended a civil war that resulted in the further strengthening of the dictator's position of power over the Republic and converted him into Rome's true master.[1] The war that had begun four years before with the crossing of the Rubicon came to an end not in Rome or in Italy, but tellingly in the distant province Hispania Ulterior; furthermore, the political instability that characterized the last decades of the Republic and the civil wars deeply affected the provinces and Hispania in particular, since the means of governing the Iberian Peninsula was altered in this period. According to Livy's account, from 197 onwards (with the exception of some brief periods), Rome had maintained two

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1 *B Hisp*. 28.1-34.6; Flor. 2.13.77-87; Vell. Pat. 2.55.2-4; Suet. *Iul*. 36; Eutr. 6.24; Oros. 6.16.7-9; App. *B Civ*. 2.103-105; Dio Cass. 43.35.4-39.1; Plut. *Caes*. 56.1-7. Harmand 1970: 198-202; Ferreiro López 2015: 381-391; Curchin 1991: 49-50; Rawson 1994: 437; Melchor Gil 2005: 361-375; Novillo López 2012: 211-218; Le Roux 2014: 150-151; cf. Welch 2012: 105-106.

permanent *provinciae* (Citerior and Ulterior) in Hispania under the direction of two magistrates with *imperium*, either consuls or praetors.[2] However, this system changed in 55, when the *lex Trebonia* granted the command of all Hispania to Pompey as consul for the duration of five years, just as his colleague M. Licinius Crassus received the province of Syria for the same period of time.[3] Nonetheless, and unlike Crassus, Pompey never actually went to his destination: instead of renouncing the province (as he seems to have done during his first consulship),[4] he indefinitely delayed his departure for Hispania so that he could stay in Rome (in an attempt to better control Roman politics) and administered the province through legates who received *praetorium imperium* by delegation.[5] The solution was not novel. Indeed,

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2 Liv. 32.28.11; cf. App. *Hisp*. 38; see Salinas de Frías 1995: 37-48; Brennan 2000: 164-166; Díaz Fernández 2015: 125-131.

3 Liv. *Per*. 105: *idem cum legem impediret, qua provinciae consulibus in quinquennium, Pompeio Hispaniae, Crasso Syria et Parthicum bellum, dabantur, a C. Trebonio tr. pl., legis auctore, in uincula ductus est*; cf. Cic. *Att*. 4.9.1; Vell. Pat. 2.48.1; Flor. 2.13.12; Dio Cass. 39.33.2; Plut. *Crass*. 15.5. See Broughton 1952: 214-215; Girardet 1992: 185-186; 2001: 191-196; Wiseman 1994: 397-399; Salinas de Frías 1995: 106-108; Brennan 2000: 518-519; Novillo López 2012: 89-91; Vervaet 2014: 222-223; Le Roux 2014: 148; Drogula 2015: 306-309. According to Appian and Plutarch, Pompey not only received the command of both Hispaniae, but also of all Africa (App. *B Civ.* 2.18; Plut. *Pomp*. 52.3: ἔπειτα νόμους διὰ Τρεβωνίου δημαρχοῦντος εἰσέφερον, Καίσαρι μέν, ὥσπερ ὡμολόγητο, δευτέραν ἐπιμετροῦντας πενταετίαν, Κράσσῳ δὲ Συρίαν καὶ τὴν ἐπὶ Πάρθους στρατείαν διδόντας, αὐτῷ δὲ Πομπηΐῳ Λιβύην ἅπασαν καὶ Ἰβηρίαν ἑκατέραν καὶ τέσσαρα τάγματα στρατιωτῶν; *Cat. Min*. 43.1; *Caes*. 28.8). Africa, therefore, would apparently have been governed by Pompeian legates during these years, but this do not jibe with the presence of the praetorians P. Attius Varus and P. Considius Longus in the province in the late fifties (Caes. *B Civ.* 1.31.2; Cic. *Lig*. 2-3; *Schol. Gron*. 291 St.); see Ridley 1981: 284-285; Brennan 2000: 546; Díaz Fernández 2015: 410-411; 549, n. 158.

4 Vell. Pat. 2.31.1: *qui cum consul perquam laudabiliter iurasset se in nullam provinciam ex eo magistratu iturum idque servasset*; cf. Morrell 2017: 52-54. Also Cicero renounced to the provincial command as consul; cf. Cic. *Fam*. 5.2.3; *Att*. 2.1.3; *Pis*. 5; Plut. *Cic*. 12.4; Dio Cass. 37.33.4. Similar cases in Asc. 14-15 C.; Dio Cass. 36.41.1; on this topic, see recently Rafferty 2019: 122-132.

5 Vell. Pat. 2.48.1: *quippe Pompeius in secundo consulatu Hispanias sibi decerni voluerat easque per triennium absens ipse ac praesidens urbi per Afranium et Petreium, consularem ac praetorium, legatos suos, administrabat*; Dio Cass. 39.39.4: τούς τε γὰρ ὑπάρχους παραχρῆμα ἐξεπεπόμφει, καὶ αὐτὸς κατὰ χώραν, ὡς καὶ κωλυόμενος ἐξελθεῖν, ἄλλως διὰ τὴν ἐπιμέλειαν τοῦ σίτου παρεῖναι ὀφείλων, ἠδέως ἔμενεν, ἵνα τάς τ' Ἰβηρίας ἅμα δι' ἐκείνων κατάσχῃ καὶ τὰ ἐν τῇ Ῥώμῃ τῇ τε ἄλλῃ Ἰταλίᾳ δι' ἑαυτοῦ ποιήσηται; Liv. *Per*. 110; App. *B Civ*. 2.18; Plut. *Pomp*. 53.1; see also Caes. *B Gall.* 6.1.2 (*simul a Cn. Pompeio proconsule petit, quoniam ipse ad urbem cum imperio rei publicae causa remaneret*). Harmand 1970: 184-185; Ridley 1983: 146-148; Giovannini 1983: 88-90; Hidalgo de la Vega 1986-1987: 98-99; Thomasson 1991: 22;

the delegation of *imperium* had previously been used to cover for the provincial commanders over short periods of time under certain circumstances, such as during the succession between two magistrates or when an *imperator* was not present in his province for whatever reason.[6] In Hispania, in contrast, Pompey turned a solution for a temporary situation into a stable and prolonged one, thus ruling his *provincia* by means of an atypical system of governance.[7]

As some scholars have pointed out, the solution that Pompey adopted in Hispania can be interpreted as a precedent for the method of government that

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Girardet 1992: 186-187; Salinas de Frías 1995: 107-108; Brennan 2000: 518-520; 2004: 47; Amela Valverde 2001a: 104-108; Barrandon 2011: 220-221; Novillo López 2012: 89-93; Le Roux 2014: 148-149; Vervaet 2014: 222-223. Nonetheless, some testimonies lead us to think that Pompey actually considered the possibility of going to Hispania in late 51: cf. Cic. *Fam*. 3.8.10; *Att*. 5.11.3; Dio Cass. 40.59.2.

6 Jashemski 1950: 89; Ridley 1981: 294; Thomasson 1991: 16-22; Schulz 1997: 165-169; Lintott 1999: 114-115; Johnston 2008: 14-16; Drogula 2015: 217-219; 332-337. See Brennan 2000: 594-595; cf. 520: "Pompey's notion to govern the Spanish *provinciae* through two senior *legati* strikes one as an exploitation of a variety of preexisiting administrative precedents, some none too salutary, but precedents all the same." Vervaet 2014: 222, n.23 considered, for instance, that the consul C. Calpurnius Piso could have been allowed to administer both Gauls in 67 by means of *legati pro praetore* as a consequence of the political situation in Rome, thus setting a precedent for Pompey's later command *in absentia* in Hispania; cf. Plut. *Pomp*. 27.1-2; Dio Cass. 36.37.2; see nonetheless Vervaet 2011: 284-290; particularly, 287, n. 70. A comment by Appian (*Hisp*. 99: ἐς Ἰβηρίαν οὐκ ἔπεμπον ὑπ' ἀσχολίας, πρέσβεις δ' ἀπέστελλον, οἳ τὸν πόλεμον ἔμελλον, ὅπῃ δύναιντο, καταθήσεσθαι) has lead some to think that Hispania was also administered by legates during the invasions of the Cimbrians and the Servile War in Sicily in the late second century (the Cimbrians even attacked Hispania before the supposed passivity of the Romans: cf. Liv. *Per*. 67; Obs. 43; Plut. *Mar*. 14.1), but this conclusion does not seem convincing; cf. Brennan 2000: 499-500; also, Richardson 1986: 157-158.

7 Brennan 2000: 519-520; cf. Boak 1918: 20-23. Caesar indeed insisted on Pompey leaving Italy and assuming the command of Hispania during the negotiations previous to the Civil War; cf. Cic. *Att*. 7.17.2; *fam*. 16.12.3; Caes. *B Civ*. 1.9.5; see also 1.85.7-8. Pompey had applied a similar method of rule during his proconsular command against the pirates in 67 thanks to the provisions of the *lex Gabinia*: he handed out different parts of the Mediterranean to a group of important lieutenants who bore the title of *legati pro praetore* and administered each area on his behalf; cf. App. *Mith*. 94-95; Flor. 1.41.7-15; *Syll*.[3] 750; *IGRom*. I 1040; see Reynolds 1962: 99-100; 103. However, the allocation of these legates to Pompey was a novel measure for an unparalleled command and was supported by the *ad hoc* provisions contained in a tribunitian law; cf. Brennan 2000: 519 ("Pompey had a long history of letting *legati* do a good part of the work of his ambitious commands"); also 425-427; Jashemski 1950: 90; Balsdon 1962: 138; Girardet 1992: 181-182; 2001: 171-176; Drogula 2015: 333-335; Coudry 2016: 33-38.

Augustus would later set up in the so-called imperial provinces, that is, those assigned to the emperor and administered on his behalf by *legati Augusti pro praetore*.[8] Moreover, the provincial division established by Augustus in Hispania recalls the way that Pompey distributed the command in the Peninsula:[9] despite the fact that Hispania had normally been divided into two independent commands from 197 onwards, Pompey decided to distribute its government among three legates whose domains did not consequently correspond with the conventional provinces of Citerior and Ulterior. Caesar relates that when the Pompeian lieutenant L. Vibullius Rufus arrived in Hispania in 49 (i.e. at the beginning of the Civil War), the Peninsula was under the rule of the legates L. Afranius, M. Petreius and M. Terentius Varro. While Afranius administered Hispania Citerior with three legions, Petreius ruled over the Ulterior from the *saltus Castulonensis* to the *flumen Anas* with two legions and Varro commanded Lusitania as well as the lands of the *Vettones* from the *Anas* with the same number of legions.[10] Caesar, therefore, sketches out a map of Roman Hispania that seems to corresponds with the provincial distribution that Augustus would establish in 27, when he carved Hispania into Citerior Tarraconensis, Ulterior Lusitania and Ulterior Baetica, the final

8 As was pointed out by Boak 1918: 23-25; Jashemski 1950: 95-99; Reynolds 1962: 103; Syme 1970: 85-86; Hidalgo de la Vega 1986-1987: 97-99; Curchin 1991: 58; Amela Valverde 2001a: 104-105; Barrandon – Hurlet 2009: 42; Barrandon 2011: 221; Drogula 2015: 355-356; cf. also Salinas de Frías 1995: 107-108. On the provincial administration under Augustus, Dio Cass. 53.12.2-7; 53.13.5-8; see 53.13.5: τοὺς δὲ ἑτέρους ὑπό τε ἑαυτοῦ αἱρεῖσθαι καὶ πρεσβευτὰς αὐτοῦ ἀντιστρατήγους τε ὀνομάζεσθαι, κἂν ἐκ τῶν ὑπατευκότων ὦσι, διέταξε; also Str. 17.3.24-25; Suet. *Aug.* 47.1; cf. Millar 1966: 156-157; 1973: 62-63; 1989: 93-97; Richardson 2008: 135-145; particularly, 137; Drogula 2015: 354-357.

9 Syme 1970: 86; Le Roux 1995: 33-34; Salinas de Frías 1995: 169-170; Edmonson 1996: 192; Amela Valverde 2001a: 108-109.

10 Caes. *B Civ.* 1.38.1-2: *adventu L. Vibulli Rufi, quem a Pompeio missum in Hispaniam demonstratum est, Afranius et Petreius et Varro legati Pompei, quorum unus Hispaniam citeriorem <tribus legionibus, alter ulteriorem> a saltu Castulonensi ad Anam duabus legionibus, tertius ab Ana Vettonum agrum Lusitaniamque pari numero legionum optinebat, officia inter se partiuntur*; cf. Flor. 2.13.26; Vell. Pat. 2.48.1; 2.50.4. Broughton 1952: 266; 268-269; Salinas de Frías 1995: 107-108; Brennan 2000: 519-520; 857, n.370; Cadiou 2008: 132; Le Roux 2014: 149-150. A Roman inscription from Carthago Nova (*HEp* 3: no.250) attests to a previously unknown *leg(atus) pro pr(aetore)* cited as *Herius C. f. Hispa[---]*, but the chronology of the piece is debatable and it is not certain that he was legate of Pompey, as some scholars have assumed; cf. Díaz Ariño 2008: 101-102. M. Terentius Varro, who had been quaestor c. 85, ought not to be identified with the VARRO·PRO Q cited in some coins with MAGN·PRO COS (Crawford 1974: no.447/1a); cf. Pina Polo – Díaz Fernández 2019: 322-323; see however, Amela Valverde 2001a: 105-106.

one being the only Hispanian province that was administered by the *populus* and not retained by the emperor.[11]

Between the end of the Republic and the beginning of the Principate, the sources thus present two temporally distinct moments in which Hispania was administered in similar ways: in the same way that Pompey opted to rule his *provincia* from Rome by means of three *legati pro praetore* who were distributed to three different areas of the Peninsula, Augustus also divided Hispania into three provinces that were administered (with the exception of the Baetica[12]) by *legati Augusti pro praetore*. Between both periods, there is a span of almost two decades marked by the Civil War, the death of Caesar and the consequent institution of the Triumvirate through the *lex Titia* of 43.[13] In the case of Hispania, one would have expected the Triumvirate to mark a simple transitional period between both the end of the Republic and the beginning of the Principate, but the sources paint a portrait of the provincial government in Hispania that greatly differed from the administrative system presided over by Pompeian legates or introduced by Augustus in 27. As we shall see, the Triumvirate presents its own peculiarities with regards to provincial command, which are especially noteworthy in the case of Hispania. We must ask, therefore, whether the Triumvirate was a period of continuity between those two stages or a simple parenthesis that was not consequential for the administrative development of Roman Hispania. What follows, in short, is an attempt to answer this question as well as an analysis of some relevant issues directly related to the topic, such as how Hispania was governed during the Triumvirate, why it was ruled in that way, who governed it and what role governors played during those years.

Despite the many questions that swirl around the development of the Hispanian provinces during the Triumviral period, the available sources are scarce and, in most cases, late. Appian and Cassius Dio are two of the few ancient historians who shed some light on the situation in Hispania during the Triumvirate, but their attention is uneven when compared to other areas,

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11 See Str. 3.4.19-20; cf. 17.3.25; App. *Hisp*. 102; Dio Cass. 53.12.4-5: καὶ Βαιτικὴ τοῦ τε δήμου καὶ τῆς γερουσίας εἶναι, τοῦ δὲ δὴ Καίσαρος ἥ τε λοιπὴ Ἰβηρία, ἥ τε περὶ Ταρράκωνα καὶ ἡ Λυσιτανία; Plin. *HN* 3.6; 3.17; 3.29. Salinas de Frías 1995: 112-113; Le Roux 1995: 59-60; 63-64; cf. Millar 1966: 156-166; 1989: 93-97.

12 See however Syme 1970: 86.

13 App. *B Civ.* 4.7; Dio Cass. 47.2.1-2; cf. Broughton 1952: 340; Roddaz 1992: 189-194; 1996: 78-80; Pelling 1996: 1-5; Laffi 1993: 37-38; Dalla Rosa 2014: 97-98.

such as Italy or the eastern provinces, where the political destiny of Rome was at stake.[14] As a result, scholars have usually paid little attention to the situation in Hispania and even less to the evolution of the provincial command in the Peninsula in the years separating Caesar's dictatorship from the Principate. While in recent decades scholars, such as J.-M. Roddaz, F. Hurlet or, more recently, A. Dalla Rosa, F. Drogula and F. Vervaet (possibly the most complete account of the issue), have provided valuable approaches to the study of the measures that the *triumviri rei publicae constituendae* introduced into the Roman administration, none of them have strictly focused on the particularities of the Hispanian case, as is the aim of the present chapter.[15]

Leaving aside the scarce testimonies provided by ancient historians, our best source to study the structure of the provincial command in Hispania under the Triumvirs is doubtless the *Fasti Triumphales*, which, however, are not complete for these years.[16] Between the triumph *ex Hispania* of the Triumvir M. Aemilius Lepidus in 43 and the institution of the Principate in 27, the *Fasti* record the names of five commanders that were awarded a triumph due a military victory in the Peninsula: the list, to which we will return later, starts with Cn. Domitius Calvinus in 36 and continues with C. Norbanus Flaccus in 34, L. Marcius Philippus and Ap. Claudius Pulcher in 33 (or 32) and C. Calvisius Sabinus in 28.[17] Domitius Calvinus was no newcomer: he had been consul in 53 and then again in 40, so he probably began his command in Hispania at the end of that year or in 39. What happened in Hispania between Caesar's victory in 45 and the arrival of Domitius Calvinus? Although Munda marked the end of the Civil War, the battle did not completely wipe out the opposition to Caesar in the Peninsula: Sextus Pompeius, the youngest son of Pompey, continued the fight against the dictator, who decided to send C. Carrinas to Hispania with a stronger army, as Appian points out (ὧν ὁ Γάιος πυνθανόμενος ἔπεμπε σὺν στρατῷ πλέονι

14 Millar 1973: 51; Roddaz 1992: 194; 1996: 77-78; 2002; 202-203.

15 Roddaz 1992: 194-198; 1996: 77-96; Hurlet 2001: 162-164; 2008: 227-230; Dalla Rosa 2014: 97-109; Drogula 2015: 345-373; Vervaet 2014: 239-252; on the impact of the Triumvirate on the consulship, see particularly Girardet 1990: 95-104. Also of interest are the studies published by Amela Valverde about the Triumviral age in Hispania (cf. particularly 2001b: 87-107; 2006: 49-57; 2009: 55-72).

16 Rich 2014: 199-201.

17 *Act. Tr. Cap*. s. a. 36; 34; *Fast. Barb*. s. a. 36; 34; 33 (and 32?); 28; cf. Itgenshorst 2005: 397-399; 404-409; 418-419; see Syme 1970: 85; Brunt 1971: 501; Amela Valverde 2006: 49-51; Perea Yébenes 2017: 122-128.

Καρρίναν ἐκπολεμήσοντα Πομπήιον).[18] Appian does not indicate which rank or position Carrinas had at the time. All we know is that he was *consul suffectus* two years later in 43, so he might have been praetor in 46 and, perhaps, was sent to Hispania *ex praetura* in the aftermath of Munda by the summer of 45 – though this is just a possibility.[19]

According to the *Bellum Hispaniense*, when Caesar arrived in Hispania in 45, his forces in the Peninsula were under the command of his *legati* Q. Pedius and Q. Fabius Maximus.[20] Like Carrinas, Pedius (Caesar's nephew[21]) was also *consul suffectus* in 43, but we know in this case that he had been praetor in 48;[22] Fabius Maximus, on the other hand, was appointed *consul suffectus* on 1 October 45, so he may have been praetor in 48 or 49.[23] The *Fasti Triumphales* record 13 October and 13 December 45 as the dates for the double triumph *ex Hispania* of Fabius Maximus, as consul, and Pedius, as proconsul (the latter date appearing to come after Caesar's triumph). Cassius Dio points out that they were allowed to celebrate triumphs despite having acted merely as the dictator's ὑποστράτηγοι or subordinate officers and having not achieved any particular success (καὶ τῷ Φαβίῳ τῷ τε Κυΐντῳ, καίτοι ὑποστρατηγήσασιν αὐτῷ καὶ μηδὲν ἰδίᾳ κατορθώσασι, διεορτάσαι ἐπέτρεψε).[24] Cassius Dio's comment coincides with *Bellum Hispaniense*'s allusion to Fabius Maximus and Pedius as *legati* but differs in the rank that is assigned to them (consul and proconsul) in the *Fasti*.[25]

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18 App. *B Civ.* 4.83-84; cf. Amela Valverde 2009: 9-38; Welch 2012: 107-108; Le Roux 2014: 151.

19 Broughton 1952: 295; 308; 337; Ferreiro López 1993: 411-412; Salinas de Frías 1995: 110; on C. Carrinas' father, Wiseman 1971, 222, no.105; cf. Dio Cass. 51.21.6.

20 *B Hisp*. 2.2: *quibus rebus adductus, quos legatos ante exercitui praefecerat Q. Pedium et Q. Fabium Maxumum de suo adventu facit certiores, utque sibi equitatus qui ex provincia fuisset praesidio esset*; Dio Cass. 43.31.1: ἦσαν μὲν γὰρ ἐν τῇ Ἰβηρίᾳ καὶ τοῦ Καίσαρος στρατηγοὶ Κύϊντός τε Φάβιος Μάξιμος καὶ Κύϊντος Πέδιος; on Caesar's legates in Hispania during the Civil War, cf. Ferreiro López 1993: 407-413; Novillo López 2012: 208-211.

21 Suet. *Iul*. 83.2; Plin. *HN* 35.4.

22 Caes. *B Civ.* 3.22.2; Broughton 1952: 273; Sumner 1971: 248-249; Ferreiro López 1993: 407-408; Amela Valverde 2002b: 42-43; Díaz Fernández 2015: 368-369.

23 Broughton 1952: 273; 304-305; 1986: 87; Sumner 1971: 251-252; Brennan 2000: 788, n.33; 916, n.340; cf. Ferreiro López: 409-411; Díaz Fernández 2015: 396-397.

24 Dio Cass. 43.42.1; cf. Vervaet 2014: 81-82; Rich 2014: 238. *Act. Tr. Cap*. s. a. 45; Quint. *Inst*. 6.3.61; Plin. *HN* 35.4; Itgenshorst 2005: 376-378, nos.267-268; cf. Broughton 1952: 304-305; 309; Ferreiro López 1993: 410-411, n.74.

25 Ferreiro López 1993: 399; cf. Vervaet 2014: 82, n.44.

We must keep in mind that the triumph was only granted to those who achieved a military victory *suo auspicio* and *suo imperio*.[26] As legates, Fabius Maximus and Pedius were not legally authorised to celebrate the triumph, since they acted under the authority of Caesar (as the term ὑποστράτηγοι in Cassius Dio indicates), but it is possible that once the Pompeians had been defeated at Munda, Caesar tried to legalise the position of his two legates as true *imperatores*, thus enabling them to earn the triumph. Both Fabius Maximus and Pedius were then *viri praetorii*, so they could be invested with *consulare imperium* according to the Republic's traditional procedures: while the latter was appointed as proconsul, Fabius Maximus was even named *consul suffectus* some days before the celebration of his triumph *ex Hispania*, as the *Fasti* reveal.[27] In all likelihood, Caesar sought to spread the image that he was restoring Republican legality in the provinces; accordingly, he tried to find a way to return to a method of government based on the granting of provinces to consuls and praetors (whether still in office or former magistrates) with their own *imperium*, as he had done some years before by assigning the *Hispaniae* to the *praetorii* M. Aemilius Lepidus (*pr*. 49) and C. Trebonius (*pr*. 48) as proconsuls.[28] The choice to send Carrinas to Hispania after Munda was possibly another means of returning to a mode of governance based on commanders with their own *imperium* and not on simple legates who acted *alieno auspicio*. Appian's testimony hints that Carrinas went to Hispania with *imperium* (probably as proconsul, judging from the apparent size of his army), but the Alexandrine historian does not specify whether or not he governed just one of the Hispanian provinces or the Peninsula as a whole.

Appian adds that shortly before the death of Caesar, C. Asinius Pollio (*cos*. 40) was sent to Hispania as Carrinas' successor; we know that in 44

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26 See recently Vervaet 2014: 78-93; Drogula 2015: 332-333.

27 See Broughton 1952: 369-370, n.1; Lange 2016: 110-111; 240-241, n.13.

28 *B Alex*. 59.2; 64.1-2; App. *B Civ.* 2.48; Dio Cass. 43.1.1-2; 43.29.1-2. Ferreiro López 1993: 402-409; Welch 1995: 450-454; Salinas de Frías 1995: 108-109. Caesar, in short, would have put an end to the continuous irregularities that had characterised Pompey's administration of Hispania from a distance, a practice that the dictator had denounced at the beginning of the Civil War: Caes. *B Civ.* 1.85.7-8: *nihil horum ad pacandas Hispanias, nihil ad usum provinciae prouisum, quae propter diuturnitatem pacis nullum auxilium desiderarit. omnia haec iam pridem contra se parari; in se novi generis imperia constitui, ut idem ad portas urbanis praesideat rebus et duas bellicosissimas provincias absens tot annos obtineat*; see however *B Gall.* 6.1.2; Hidalgo de la Vega 1986-1987: 98-99; Brennan 2000: 519.

Caesar allotted Hispania Citerior along with Narbonensian Gaul to M. Aemilius Lepidus as proconsul, which suggests that Asinius Pollio governed Hispania Ulterior in 44-43, presumably after being praetor in 45.[29] As Asinius Pollio's predecessor, Carrinas may have consequently been the governor of Hispania Ulterior in 45-44, while the government of Citerior could have been granted to an unknown *praetorius* before Lepidus' term of office. Among Cicero's *epistulae ad familiares*, the manuscripts have preserved a letter of recommendation, traditionally dated in 45 and dedicated to a certain Curius, proconsul in an unnamed province (*te provinciam obtinente*), who might be the supposed commander sent to Hispania Citerior between Q. Pedius' departure and M. Aemilius Lepidus arrival by the spring of 44.[30]

Despite Caesar's apparent attempt to return to the norms that had guided the administration of Hispania during the Republic, circumstances took a dramatic turn with the death of the dictator and the later institution of the Triumvirate on 27 November 43.[31] As Appian and Cassius Dio point out, Lepidus, Antony and Octavian assumed the right of designating the city's yearly magistrates for five years (τοὺς δὲ ἀποφῆναι μὲν αὐτίκα τῆς πόλεως ἄρχοντας ἐς τὰ ἐτήσια ἐπὶ τὴν πενταετίαν) and divided up the Roman possessions in the West among themselves (τὰς δὲ ἡγεμονίας τῶν ἐθνῶν νειμαμένους). As a result, Antony received the whole of Gaul except for the so-called παλαιὰ Κελτική (Narbonensian Gaul), which was retained by Lepidus together with all Hispania (τήν τε Ἰβηρίαν πᾶσαν), while Africa, Sardinia and Sicily were

29 App. *B Civ.* 4.84: ὁ Γάιος ἔπεμψε τῷ Καρρίνᾳ διάδοχον Ἀσίνιον Πολλίωνα πολεμεῖν Πομπηίῳ; cf. 2.107; 3.46; Dio Cass. 43.51.8: τῷ Λεπίδῳ τήν τε Γαλατίαν τὴν περὶ Νάρβωνα καὶ τὴν Ἰβηρίαν τὴν πλησιόχωρον προστάξας; the adjective πλησιόχωρον shows that the province granted to Lepidus was Hispania Citerior; 45.10.6; see also Nic. Dam. *Aug.* 28 (*FGrH* 90 F130); cf. Vell. Pat. 2.63.1; Cic. *Att.* 14.5.1; [Cic.] *Fam.* 10.31-33. Velleius (2.73.2) confirmed that C. Asinius Pollio had been praetor (*revocatum ex Hispania, ubi adversus eum clarissimum bellum Pollio Asinius praetorius gesserat*). Broughton 1952: 326-327; 341-343; Wiseman 1971: 215, no.50; Salinas de Frías 1995: 110-111; Amela Valverde 2001b: 87-107; 2009: 39-47; Barrandon 2011: 226.

30 Cic. *Fam.* 13.49; Shackleton Bailey 1977: 456 only underscores in his commentary the lack of data about the letter and the individuals implied in it. Nonetheless, the allusion by Cicero to a *Q. Pompeius Sex. f.* (the person recommended to Curius) opens up the possibility that Q. Pompeius, perhaps anyhow related with Pompey and his family, resided in Hispania and that Curius held his proconsulship in this province. On the date of Lepidus' arrival in Hispania, see Broughton 1952: 326; Ferreiro López 1993: 415.

31 *RGDA* 1.4; 7.1 (ed. J. Scheid); Suet. *Aug.* 27.1; App. *B Civ.* 4.2-3; Dio Cass. 46.55.1-56.4; cf. Broughton 1952: 337-338.

assigned to the young Caesar.[32] Asinius Pollio appears to have left his province,[33] but Lepidus (who had already returned to Italy) did not go back to Hispania to personally assume his command, since he was to be named consul in 42 and it was decided that he would remain in Rome to do what was needed there (Λέπιδον γὰρ ὑπατεύειν ἐς τὸ μέλλον καὶ τῇ πόλει διὰ τὰς ἐν αὐτῇ χρείας ὑπομένειν).[34] Despite his decision, Lepidus was nevertheless rewarded with a triumph *ex Hispania* on 31 December 43 for his mediation with Sextus Pompeius.[35]

Appian adds that Lepidus governed Hispania by means of ἕτεροι (ἡγεμονεύοντα τῆς Ἰβηρίας δι' ἑτέρων), but neither he nor any other source concretely states who these ἕτεροι were; it has been assumed that they were legates, but there is no positive evidence to support this possibility.[36] Just some months later, the arrangements adopted by Antony and Octavian after the battle of Philippi shifted the situation in Hispania and put the Peninsula into the latter's hands.[37] We do not know who at that moment received the command of the region, but Appian again places C. Carrinas as the governor of Hispania on Octavian's behalf in 41 (Καρρίνᾳ τῷ τὴν Ἰβηρίαν ἐπιτροπεύοντι

32 App. *B Civ.* 4.2; see Dio Cass. 46.55.3-4: κοινῇ μὲν τοὺς τρεῖς πρός τε διοίκησιν καὶ πρὸς κατάστασιν τῶν πραγμάτων ἐπιμελητάς τέ τινας καὶ διορθωτάς, καὶ τοῦτο οὐκ ἐς ἀεὶ δῆθεν ἀλλ' ἐς ἔτη πέντε, αἱρεθῆναι, ὥστε τά τε ἄλλα πάντα, κἂν μηδὲν ὑπὲρ αὐτῶν μήτε τῷ δήμῳ μήτε τῇ βουλῇ κοινώσωσι, διοικεῖν, καὶ τὰς ἀρχὰς τάς τε ἄλλας τιμὰς οἷς ἂν ἐθελήσωσι διδόναι, ἰδίᾳ δὲ δή, ὅπως μὴ καὶ πᾶσαν τὴν ἀρχὴν σφετερίζεσθαι νομισθῶσι, Καίσαρι μὲν τήν τε Λιβύην ἑκατέραν καὶ Σαρδὼ καὶ Σικελίαν, Λεπίδῳ δὲ τήν τε Ἰβηρίαν πᾶσαν καὶ τὴν Γαλατίαν [καὶ] τὴν Ναρβωνησίαν, Ἀντωνίῳ δὲ τὴν λοιπὴν Γαλατίαν, τήν τε ἐντὸς τῶν Ἄλπεων καὶ τὴν ὑπὲρ αὐτὰς οὖσαν, ἄρχειν δοθῆναι; Millar 1973: 51-52; Roddaz 1992: 196-197; 1996: 82-84; Barrandon – Hurlet 2009: 42; Vervaet 2004: 239-245; Dalla Rosa 2014: 97-99.

33 Appian (*B Civ.* 3.97) states that Asinius Pollio had moved to Gaul with two legions to support Antony against Decimus Iunius Brutus in summer 43, but nothing more is known after his departure; cf. Liv. *Per.* 120; Vell. Pat. 2.63.3-4; Broughton 1952: 343; Amela Valverde 2001b: 105-107; 2009: 56-57.

34 App. *B Civ.* 4.3.

35 Cic. *Phil.* 13.7-9; Dio Cass. 45.10.6; 48.17.1; App. *B Civ.* 4.31; cf. 4.84; *Act. Tr. Cap.* s. a. 43; *Fast. Barb.* s. a. 43. Schumacher 1985: 200-201; Amela Valverde 2002b: 43-58; Barrandon 2011: 226; Lange 2016: 83-86; cf. Itgenshorst 2005: 383-384, no.271. As is well-known, Lepidus also founded the *Colonia Victrix Iulia Lepida* (Celsa) during his term of office in Hispania; cf. Barrandon 2011: 251-252; Beltrán Lloris 2015: 177-183.

36 App. *B Civ.* 4.3. Millar 1973: 51; Roddaz 1992: 195, n.35; 1996: 84; Laffi 1993: 38; Amela Valverde 2009: 62.

37 App. *B Civ.* 5.3; Dio Cass. 48.1.3; cf. Liv. *Per.* 125. See Broughton 1952: 358; Pelling 1996: 9; cf. also Amela Valverde 2009: 65-72.

τῷ Καίσαρι).[38] Given his status as *consul suffectus* in 43 and his former experience in the province, Carrinas was doubtless the right person for assuming the governance of Hispania once its administration came under Octavian's authority (most probably at the end of 42).

Appian, as usual, does not specify the rank with which C. Carrinas was sent to Hispania, nor the name of the province that Octavian assigned to him. At any rate, it is unlikely that Carrinas was a mere *legatus* with *praetorium imperium*. As a former *consul suffectus*, he presumably was invested with *consulare imperium* as proconsul, since such an arrangement would perpetuate the desired appearance of institutional normalcy of provincial command that Caesar had sought to project. Carrinas, on the other hand, is the first known governor who assumed the command of Hispania alone after the formation of the Triumvirate in 43. As far we can tell from the available evidence, Hispania was administered as a sole province from that time until the provincial division established by Augustus in 27.[39] However, the reasons why Hispania was then united into a sole province are not clear:[40] it is possible that the need for commanders in certain conflicts led the Romans to remove a governor from Hispania or that at that time Octavian preferred to rule the Peninsula by means of a single commander for strategic reasons. The sources are unanimously silent on this point. That said, the available evidence suggests that the situation in Hispania was far from calm, which therefore rules out the notion that the

38 App. *B Civ.* 5.26.

39 See Syme 1970: 85; Salinas de Frías 1995: 111; 138; Alföldy 1996: 449. As pointed out above, Cassius Dio (46.55.3-4) is clear when claiming that Lepidus assumed the command of all Hispania with Narbonensian Gaul in 43 (Λεπίδῳ δὲ τήν τε Ἰβηρίαν πᾶσαν καὶ τὴν Γαλατίαν [καὶ] τὴν Ναρβωνησίαν). A passage from Velleius Paterculus (2.78.3; see below) also seems to suggest that *Hispania* was the province granted to Cn. Domitius Calvinus *ex consulatu* (*cum ex consulatu obtineret Hispaniam*). In addition, both the *Fasti Capitolini* and the *Barberiniani* indicate that Domitius Calvinus and his successors celebrated the triumph *ex Hispania* (cf. Itgenshorst 2005: nos. 279; 283; 284; 285; 290), which could allude to the name of the province. However, we must admit that this detail is not conclusive, since the *Fasti Triumphales* do not always indicate strictly the province in which the triumph was earned.

40 Hispania had been allotted as a single command on previous occasions: when P. Cornelius Scipio (*cos.* 218) was sent to the Peninsula to fight Hannibal, he also received the command of *provincia Hispania*, as Livy points out: Liv. 21.17.1; 22.22.1; cf. 25.3.6; 25.32.1; App. *Hisp.* 14; Polyb. 3.97.1-2. Between 171-168, while the Romans fought king Perseus in Macedonia, Hispania was again reduced to a single *provincia* under the *imperium* of one praetor; Liv. 42.28.6; see 45.16.1; Richardson 1986: 103-104; Brennan 2000: 172; 242; Díaz Fernández 2015: 140-141.

Peninsula was administered as a single province due to an absence of conflict. As pointed above, the *Fasti Triumphales* record the names of five Roman governors who earned a triumph thanks to a military victory *ex Hispania* before the institution of the Principate, which reveals that the struggles had certainly not ceased in the Peninsula. Furthermore, Appian claims that all the provinces that were allotted to Octavian in 42 were at war except for Sardinia, whereas the domains assigned to Antony were not wracked with conflict: καὶ χρήματα ἦν Λευκίῳ μὲν ἐξ ἐθνῶν τῶν ὑπὸ τὸν Ἀντώνιον οὐ πολεμουμένων, Καίσαρι δέ, ἃ εἰλήχει, πάντα χωρὶς Σαρδοῦς ἐπολεμεῖτο.[41]

Appian provides a second piece of evidence also suggesting that peace did not reign in Hispania. According to the Alexandrian historian, shortly before the outbreak of the Perusine War, Q. Salvidienus Rufus (perhaps the commander appointed in 41 to succeed Carrinas) was sent to Hispania with six legions (Καίσαρι δὲ ἐν μὲν Καπύῃ τέσσαρα ἦν τέλη, καὶ περὶ αὐτὸν αἱ στρατηγίδες, ἓξ δὲ ἕτερα Σαλουιδιηνὸς ἦγεν ἐξ Ἰβηρίας).[42] We know that Salvidienus was later appointed *consul designatus* for 39, but some sources suggest that he was named to the position without having previously held the praetorship.[43] At any rate, Salvidienus never took possession of Hispania (nor did he later assume the consulship), but he instead returned to Italy with the army to support Octavian against Lucius Antonius.[44] Salvidienus' decision

41 App. *B Civ.* 5.24.

42 App. *B Civ.* 5.24.

43 Suetonius (*Aug.* 66.1), Velleius Paterculus (2.76.4) and Cassius Dio (48.33.2) underscore the humble origins of Q. Salvidienus Rufus, who was the first man of equestrian order to be elected consul after Pompey and Octavian. It therefore appears that Salvidienus won the nomination for the consulship without having been praetor and that his position in 41 was that of legate; cf. Wiseman 1971: 258, no.374; Nicolet 1974: 1010-1011, no.310; Ferriès 2007: 458-459, no.120. Cassius Dio (48.18.1-2) and Livy (*Per.* 123) relate that Salvidienus combatted Sextus Pompeius off the coast of Rhegium in 42, but the *Periochae* also says that Salvidienus was *legatus Caesaris*; Broughton 1952: 366. A collection of *glandes* from the battle suggests nevertheless that Salvidienus was hailed as *imperator* (*CIL* 10.8337: Q. SAL IM), which evidences that he held then *imperium*. According to the Republican standards, he might have been praetor in 42 (perhaps *suffectus*; on the nomination of *praetores suffecti* for 43, cf. Dio Cass. 47.15.3; Laffi 1993: 46-47) under the terms of the *lex Titia* and been sent with a fleet against Sextus before leaving for Hispania. Another possibility is that Salvidienus was not the governor appointed to Hispania in 41, but simply a legate of Octavian put in charge of bringing the six legions to the abovementioned C. Carrinas, who may have continued in the command of the province up to late 41; cf. App. *B Civ.* 5.26.

44 App. *B Civ.* 5.27; cf. 5.20; 5.24; 5.31; Dio Cass. 48.10.1; 48.13.4-6; Broughton 1952: 374.

maybe implied the grant of the command to legates provisionally: these could have been Peducaeus and Lucius whom Appian places in Hispania as governors coinciding with the peace established between Octavian and Lucius Antonius in 41.[45] As a result of the settlement, Octavian gave Hispania to Lucius Antonius, but the Triumvir nevertheless maintained his legates in the province to keep an eye on the latter.[46]

Although in the end Salvidienus put the troops in Octavian's service in Italy, Appian's testimony indicates that the Peninsula was so far from being a pacified province that it required an army of six legions.[47] In addition, Appian points out that Lucius Antonius persuaded king Bocchus of Mauretania to make war against Carrinas in Hispania, which could explain the subsequent choice to send such a considerable army to the province.[48] However, it is likely that the threat of Bocchus was not the only reason for which Octavian decided to send six legions to the Peninsula, since the sources hint that conflicts with Hispanian peoples persisted in some corners of the province. Cn. Domitius Calvinus' term of office is revealing in this regard. After the grant of Hispania to Lucius Antonius in 41, the province apparently came back under Octavian's control, who seems to have allotted its command to Calvinus. Since Calvinus held the consulship *iterum* in 40, he may have assumed command of the province after holding that magistracy or in 39 and could have remained in the peninsula until 37 or 36, when he celebrated a triumph *ex Hispania* (17 July).[49]

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45 App. *B Civ.* 5.54; Thomasson 1991: 119-120. Some scholars have concluded that the reading Λευκίου is corrupt in Appian's manuscripts, since it is unusual for a Roman to be named simply with his *praenomen*; see Grant 1946: 379-381, who identified the legate with the C. Livius cited on issues from *Vesci* (Plin. *HN* 3.10), perhaps Gaucín (Málaga), though the coins actually bear the legend C. Livis; cf. Ripollés Alegre 2005: 91. Amela Valverde 2009: 67-68 proposes to identify the legates with Sex. Peducaeus (governor of Sardinia in 48; App. *B Civ.* 2.48) and L. Cornelius Balbus (Asinius Pollio's quaestor or proquaestor in Hispania in 43; cf. Pina Polo – Díaz Fernández 2019: 240-241).

46 App. *B Civ.* 5.54: ὁ δὲ Καῖσαρ αὐτὸν καὶ τέως ἐν θαύματι ἄγων οὐκ ἔφη μὲν οὐδὲ βουλόμενον ἐπάξεσθαι κατὰ ἀδελφοῦ, πιστεύσειν δὲ ὡς τοιῷδε ἀνδρὶ πᾶσαν Ἰβηρίαν καὶ τὸν ἐν αὐτῇ στρατόν, ὑποστρατηγούντων αὐτῷ τῶν νῦν ἡγουμένων αὐτῆς Πεδουκαίου τε καὶ Λευκίου. Οὕτω μὲν δὴ καὶ Λεύκιον ὁ Καῖσαρ ἀπέπεμπε σὺν τιμῇ καὶ διὰ τῶν ὑποστρατήγων ἐφύλασσεν ἀφανῶς.

47 On the Roman military presence in Hispania during the Triumvirate, see Brunt 1971: 477-479; 493-495; Ferreiro López 1993: 402; 408; 411-412; Salinas de Frías 1995: 138.

48 App. *B Civ.* 5.26; Brunt 1971: 498.

49 Dio Cass. 48.42.1-4; cf. Vell. Pat. 2.78.3; Crawford 1974: no.532; *Act. Tr. Cap.* s. a. 36: *Cn. Domitius M. f. M. n. Calvinus an. DCXVII pro cos. ex Hispania XVI k. Sextil.*; *Fast.*

While the *Fasti Triumphales* are almost our only source available for the later four governors, in the case of Cn. Domitius Calvinus we are fortunate to have further testimonies: besides a series of *denarii* minted in Osca[50] and four inscriptions that shed light on his role as *patronus* of Emporiae and, most probably, Tarraco,[51] Cassius Dio says that Calvinus combatted an insurrection (κίνησις) among the Κερητανοί, an Iberian people that Strabo situates in the eastern side of the Pyrenees.[52] Cassius Dio does not explain why this uprising took place in an area apparently dominated by the Romans, but he does point out that Calvinus' campaign alternated between success and setback, since one of his lieutenants (ὑποστράτηγος) was ambushed by the enemy and then deserted by his soldiers; Calvinus then decided to severely punish the deserters before coming into combat and decimated two of his centuries.[53]

Barb. s. a. 36: *Cn. Domitiu[s] Calvinus ex Hispan. XVI k. Sext. triump. palmam dedit*. Broughton 1952: 388; 402; Sweeney 1978: 183-184; Carlsen 2008: 75-76; Perea Yébenes 2017: 123-125.

50 Dated to 39 by Crawford 1974: no.532; cf. Amela Valverde 2011: 47-48; Barrandon 2011: 247-248. As Crawford pointed out (1974: 534), it is relevant that the coins do not make reference to Octavian, while the reverse borrows the legend DOM·COS·ITER·IMP, thus asserting the independent *imperium* of Domitius Calvinus.

51 *IRC* III 26 (*AE* 1977: 468): *[Cn.] Domitio / [M. f.] Calvino / [pat]rono*; *IRC* III 27: *Cn. Do[mitius] / M. f. Cal[vinus imp.] / cos. ite[r. procos.] / Apoll[onia cepit]*; *IRC* III 28 (*AE* 1977: 469b): *[Cn. Do]mitio / [M. f. Cal]uino / [patro]no*; cf. Alföldy 1977-1978: 49-52; 55 (*AE* 1977: 469a): *Cn. Do[mitius] / M. f. Cal[vinus imp.] / cos. ite[r. pontifex] / Apoll[ini ex uoto]*; Bonneville 1986: 183-185; Díaz Ariño 2008: 165-167. *IRC* III 27 and 28 actually correspond to the same opisthograph. On the inscription from Tarraco (*CIL* II 4134), see Alföldy 2000: 19-21: *[Cn. Domitio M. f. Caluino] / [pontif. cos. iteru]m imp. / [colonia Vrbs Triu]mphalis / [Tarrac. patro]no*; Díaz Ariño 2008: 149-150.

52 Dio Cass. 48.41.7-42.1: κατὰ δὲ τὸν αὐτὸν τοῦτον χρόνον ἐγένετο μὲν καὶ ἐν Ἰλλυριοῖς τοῖς Παρθινοῖς κίνησις, καὶ αὐτὴν ὁ Πωλίων μάχαις ἔπαυσεν, ἐγένετο δὲ καὶ ἐν Ἰβηρίᾳ Κερητανῶν, καὶ αὐτοὺς ὁ Καλουῖνος κατεστρέψατο, προκατορθώσας τέ τι καὶ προδυστυχήσας διὰ τοῦ ὑποστρατήγου λοχισθέντος τε ὑπὸ τῶν βαρβάρων καὶ ἐγκαταλειφθέντος ὑπὸ τῶν στρατιωτῶν; cf. Vell. Pat. 2.78.3; see Str. 3.4.11: αὐτῆς δὲ τῆς Πυρήνης τὸ μὲν Ἰβηρικὸν πλευρὸν εὔδενδρόν ἐστι παντοδαπῆς ὕλης καὶ τῆς ἀειθαλοῦς, τὸ δὲ Κελτικὸν ψιλόν, τὰ δὲ μέσα περιέχει καλῶς οἰκεῖσθαι δυναμένους αὐλῶνας. ἔχουσι δ' αὐτοὺς Κερρητανοὶ τὸ πλέον τοῦ Ἰβηρικοῦ φύλου; Amela Valverde 2009: 106-118; 2011: 43-46; 49-58.

53 Dio Cass. 48.42.1-2: αὐτοὺς ὁ Καλουῖνος κατεστρέψατο, προκατορθώσας τέ τι καὶ προδυστυχήσας διὰ τοῦ ὑποστρατήγου λοχισθέντος τε ὑπὸ τῶν βαρβάρων καὶ ἐγκαταλειφθέντος ὑπὸ τῶν στρατιωτῶν. καὶ οὐ πρότερόν γε ἐπεχείρησε τοῖς πολεμίοις πρὶν ἐκείνους τιμωρήσασθαι· συγκαλέσας γὰρ αὐτοὺς ὡς καὶ ἐπ' ἄλλο τι τῷ λοιπῷ στρατῷ περιέσχε, καὶ δύο τε ἑκατονταρχίας ἐδεκάτευσε, καὶ ἑκατοντάρχους συχνούς, ἄλλους τε καὶ τὸν ἐν τῷ πρώτῳ πίλῳ καλουμένῳ στρατευόμενον, ἐκόλασε; cf. Vell. Pat. 2.78.3.

Cassius Dio's passage has interesting implications: first, it shows that the northern strip of Hispania was still far from being totally subdued and that the situation at the time was alarming enough to make a Roman commander apply a severe measure such as decimating a part of his army after suffering defeat. And, secondly, the passage demonstrates that Calvinus did not administer Hispania as a simple legate on Octavian's behalf, since only a commander acting *suo imperio* was enabled to have lieutenants under his authority.[54] As in the case of Q. Pedius and Q. Fabius Maximus, Cassius Dio points out that Domitius Calvinus actually obtained the triumph because Octavian and those who were then in power could, as they saw fit, grant this kind of honour to their ὑποστράτηγοι or subordinate commanders (τυχών τε τῶν ἐπινικίων καίτοι τῆς Ἰβηρίας τῷ Καίσαρι προστεταγμένης, πρὸς γὰρ τὰς τῶν κρατούντων βουλήσεις καὶ αἱ τιμαὶ τοῖς ὑποστρατηγοῦσί σφισιν ἐγίγνοντο).[55] However, the evidence indicates that Calvinus was not one of Octavian's ὑποστράτηγοι (or, at least, that he was not a legate strictly speaking), but rather he acted *suo imperio* as proconsul, regardless of having received the command of the province due to Octavian's decision, as was allowed for in the provisions established in the *lex Titia*.[56] A comment from Velleius Paterculus further indicates that Calvinus held the command of Hispania *ex consulatu* (*eadem tempestate Calvinus Domitius, cum ex consulatu obtineret Hispaniam*), namely, from his position of consul, and not as Octavian's legate.[57]

Such a conclusion also seems applicable to Domitius Calvinus' successors. After his triumph on 17 July 36, the *Fasti Triumphales* records that of C. Norbanus Flaccus for 12 October 34: Norbanus had been consul in 38 and could have taken command of Hispania in late 37 or 36, so his term of office must have been relatively long (assuming he was Calvinus' direct successor).[58]

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54 Lintott 1999: 114-115; see *Dig.* 1.21.5 pr.; cf. Olmo López 2018: 61.

55 Dio Cass. 48.42.4; cf. Coudry 2016: 47-48.

56 See Barrandon 2011: 226; Vervaet 2014: 248-249; Rich 2014: 238; cf. also Salinas de Frías 1995: 111-113; Dalla Rosa 2014: 97-99.

57 Vell. Pat. 2.78.3; cf. also Crawford 1974: no.532. For the non-temporal use of the preposition *ex* in this kind of locutions, see Giovannini 1983: 79-81; Hurlet 2010: 56-57; Díaz Fernández 2015: 78-79.

58 *Act. Tr. Cap*. s. a. 34: *C. Norbanus C. f. Flaccus procos. an. DCCXIX ex Hispania IIII id[us Oc]tobr.*; *Fast. Barb*. s. a. 34: *C. Norbanus ex Hispania III[I] id. Oct. triumphavit palmam dedit*; Itgenshorst 2005: 404-405, no.283; Perea Yébenes 2017: 125; cf. Wiseman 1971: 245, no.279; Szramkiewicz 1976b: 421.

Nothing more is known about Norbanus' military achievements,[59] nor about those of any of his successors. L. Marcius Philippus, *consul suffectus* in 38, governed the province most probably after Norbanus' proconsulship and celebrated his triumph *ex Hispania* on 27 April 33.[60] A passage from Suetonius cites Philippus among a series of renowned men who adorned Rome with new monuments or restored some of the existing ones, as Philippus is supposed to have done with the *aedes Herculis Musarum* thanks to the booty from his campaign in Hispania.[61] L. Marcius Philippus was succeeded by Ap. Claudius Pulcher (also consul in 38), whose triumph is dated in the *Fasti Barberiniani* to 1 June 33 or 32.[62] Although we do not know when Claudius assumed command of Hispania (and accepting that he may have celebrated his triumph in 33 instead of 32), it is possible that Philippus returned to Rome long before his triumph and would have had to wait for it for several months before it was granted; in this case, Claudius could have succeeded him in late 34.[63] Ap. Claudius Pulcher is also mentioned in a very fragmentary inscription from

59 C. Norbanus Flaccus seems to be the founder of the *Colonia Norbensis Caesarina* (Plin. *HN* 4.117) in Lusitania, which has led some scholars to think that he combatted against the Lusitanians, as was pointed out by García Bellido 1966: 282-283; cf. Sayas Abengochea 1985: 66-68; Edmonson 1996: 198-199; Cadiou 2008: 287-288, n.45; Amela Valverde 2006: 51-52; 2009: 127-128; Perea Yébenes 2017: 125. However, this argument is far from conclusive, since Augusta Emerita was also founded in Lusitania with the veterans who had fought against the Astures and the Cantabrians; cf. Dio Cass. 53.26.1; Le Roux 1995: 61. Rodríguez Colmenero 1979: 21 thought that Norbanus had acted in the lands of the Vaccaei. A passage from *B Alex*. 48.2 records anyway the military campaigns carried out by Q. Cassius Longinus (48) against the Lusitanians in the *mons Herminius*; cf. Edmonson 1996: 166-167.

60 *Fast. Barb*. s. a. 33: *L. Marcius Philip<p>us ex Hispania V k. Mai. Triumphavit palmam dedit*; Itgenshorst 2005: 405-407, no.284; cf. Broughton 1952: 416; Szramkiewicz 1976b: 417; Perea Yébenes 2017: 125-127.

61 Suet. *Aug*. 29.4-5: *sed et ceteros principes viros saepe hortatus est, ut pro facultate quisque monimentis vel novis vel refectis et excultis urbem adornarent. multaque a multis tunc exstructa sunt, sicut a Marcio Philippo aedes Herculis Musarum*; Tac. *Ann*. 3.72. Apparently, Philippus also built the so-called *Porticus Philippi* around the *aedes*; cf. Mart. 5.49.11-13; Plin. *HN* 35.66; 114; 144.

62 *Fast. Barb*. s. a. 33 or 32: *Ap. Claudius Pulc<h>er ex Hispan[i]a k. Iun. triumphav<i>t palmam de[d]it*; cf. *CIL* 10.1423-1424; Itgenshorst 2005: 407-409, no.285; cf. Broughton 1952: 417; Szramkiewicz 1976b: 389; Perea Yébenes 2017: 125-127.

63 A possibility already proposed by Syme 1970: 85 with regards to the triumph *ex Hispania* of C. Calvisius Sabinus (26th May 28), who may have left Hispania in 29; cf. C. Carrinas' triumph *ex Gallis*, which is usually dated according to the *Fasti Triumphales* to 6 July 28, while Cassius Dio (51.21.5-6) seems to situate it in 29; Lange 2019: 117.

Emporiae (perhaps as *patronus*),[64] but there is no further evidence about his term of office in Hispania or about the peoples against whom he or his predecessors fought so as to deserve a triumph. The same can be said of the next governor who received a triumph *ex Hispania* after Ap. Claudius Pulcher, C. Calvisius Sabinus (*cos*. 39), whose victory is recorded in the *Fasti Barberiniani* for 26 May 28.[65]

Some scholars have deduced from the silence of the sources that the wars in Hispania were not relevant enough to attract the attention of the Greek and Latin historians and that the triumphs *ex Hispania* were more of reward from Octavian for his collaborators' loyalty, instead of being a deserved honour for a major military success.[66] When talking of the Augustan campaigns in northern Hispania, Cassius Dio indeed claims that the wars preceding the emperor's arrival in 26 were not decisive and that nothing important resulted from them.[67] However, we should be cautious when drawing conclusions. As stressed above, Appian, Cassius Dio and practically all ancient historians overlook what happened in most of the provinces during the years of the Triumvirate, since they tend to focus on those episodes in which the main actors of the period (e.g. Antony and Octavian) took part; but this does not mean that other provinces were at peace. Besides the triumphs *ex Hispania*, the *Fasti Triumphales* also record military successes in many other regions in the years following the battle of Philippi, even though the ancient historians hardly tell us anything about most of them.[68]

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64 *IRC* III 25: *Appio Cḷaudio / Pulç[hro ---]*; *AE* 1990: 659; Bonneville 1986: 186-187 (*Appio Cḷaudi̯o / Pulc[hro] / [cos. imp.] / [patron]o*); cf. Díaz Ariño 2008: 167-168.

65 *Fast. Barb*. s. a. 28: *[C. C]alv[is]ius [S]abinus ex Hispania VII k. Iun. Triumphavit palmam dedit*; Itgenshorst 2005: 418-419, no.290; Perea Yébenes 2017: 127-128; Lange 2019: 116; cf. Wiseman 1971: 221, no.96. See the proposal by López Sánchez 2012: 74-75, who considers that C. Calvisius Sabinus achieved his triumph thanks to the Missenum fleet.

66 Despite the fact that the sources indicate otherwise, the scholarship has traditionally assumed that Hispania was a quiet province during most of the first century B.C. and that the wars carried out in the last years of the Republic were conflicts of little significance; see, for instance, Brunt 1971: 664: "After 133 Spain was relatively peaceful, and consular governors are seldom recorded there." Also Curchin 1991: 46-49; Amela Valverde 2001a: 99-102; 2014: 71-81, with bibliography (70, n. 13); Perea Yébenes 2017: 125-126; 140; cf. Syme 1970: 85-86; Rodríguez Colmenero 1979: 21-23; 87-90; Salinas de Frías 1998: 155-156; Olmo López 2018: 223-225.

67 Dio Cass. 51.20.5: ἄλλα τε ὡς καθ' ἑκάστους ταραχώδη συχνὰ ἐγίγνετο· ἀλλ' ἐπειδὴ μηδὲν μέγα ἀπ' αὐτῶν συνηνέχθη, οὔτε ἐκεῖνοι τότε πολεμεῖσθαι ἐνόμιζον οὔτε ἐγὼ ἐπιφανές τι περὶ αὐτῶν γράψαι ἔχω.

68 See Itgenshorst 2005: 384-426; Rich 2014: 238-239; Vervaet 2014: 250; Perea Yébenes 2017: 128.

Whatever the causes of the struggles that took place at that time in Hispania, the sources hint that the problems began some time before and did not cease in the following years. When referring to the passing of the *lex Trebonia* in 55, Cassius Dio says that there had been disturbances recently in Hispania (τι καὶ ἔναγχος ἐκεκίνηντο);[69] furthermore, it does not seem coincidental that in 56 Citerior was granted to a man of consular rank like Q. Caecilius Metellus Nepos, whose stay in Hispania, however, went by without sorrow or glory.[70] Cassius Dio later indicates that the insurrection was lead by the Vaccaei and supported by other peoples,[71] but we do not know what event triggered the conflict, nor do we know how events evolved under the administration of the Pompeian lieutenants. In any case, it is likely that the disorder referred to by Cassius Dio was not settled then and that the outbreak of the Civil War in 49 further complicated the situation.[72] Apparently,

69 Dio Cass. 39.33.2; cf. 39.54.1.

70 Dio Cass. 39.54.1-2; Plut. *Caes*. 21.2; cf. Cic. *Prov. cons.* 22; Díaz Fernández 2015: 366-367. Brennan 2000: 518: "[Nepos'] command was the first occasion (to our knowledge) that either Spanish *provincia* had been declared consular since the time of the Sertorian War, which shows that the situation in Iberia had become quite serious."

71 Dio Cass. 39.54.1-2. Cassius Dio adds that the Vaccaei and their allies assailed Metellus Nepos while he was besieging Clunia, which was even recovered by the Hispanians: ἐπαναστάντες γάρ τινες καὶ Οὐακκαίους προστησάμενοι μάχῃ μὲν ὑπὸ τοῦ Νέπωτος τοῦ Μετέλλου, ἀπαράσκευοι ἔτ' ὄντες, ἡττήθησαν, πολιορκοῦντι δ' αὐτῷ Κλουνίαν ἐπελθόντες ἀμείνους ἐγένοντο, καὶ ἐκείνην μὲν περιεποιήσαντο, ἑτέρωθι δὲ ἐσφάλησαν, οὐ μὴν ὥστε καὶ δι' ὀλίγου δουλωθῆναι. τῷ γὰρ πλήθει πολὺ τῶν ἐναντίων περιῆσαν, ὥστε τὸν Νέπωτα ἀγαπᾶν ἂν τὴν ἡσυχίαν ἀκινδύνως ἄγῃ; cf. Rodríguez Colmenero 1979: 21; Wiseman 1994; 398-399; Salinas de Frías 1995: 104-105; Brennan 2000: 518; Amela Valverde 2001a: 99-104; 110-111; 2002: 269-277; Curchin 2004: 46; Barrandon 2011: 220; Novillo López 2012: 89-90; cf. also Brunt 1971: 472; Cadiou 2008: 129; on the Vaccaei, Sánchez Moreno 1998: 51-67; Pérez Vilatela 1999: 223-241; Amela Valverde 2002a: 269-281.

72 Appian (*B Civ.* 2.40) claims that the Pompeian army present in Hispania in 49 was large and had been well trained over a long period of time (πολύν τε ὄντα καὶ χρόνῳ γεγυμνασμένον), which seems to suggest that Pompey's legates continued fighting during their stay in the province; see, however, Caes. *B Civ.* 1.85.6, who points that peace reigned in Hispania beginning a long time ago. It is also noticeable that on a yearly basis the senate decided to grant Pompey the not inconsiderable sum of a thousand talents from the public treasury for maintaining his troops in Hispania; Plut. *Caes*. 55.7; 28.8; cf. Amela Valverde 2001a: 102-103. According to Cassius Dio (39.33.2), Pompey was authorized by the *lex Trebonia* to have as many soldiers as he wished, and, as is well known, the Pompeians did recruit the so-called *legio Vernacula* in Hispania, which was added to the four legions that were in Hispania and to the two more granted later by the senate (cf. Caes. *B Civ.* 2.20.4; *B Alex*. 53.4-5; 54.3; 57.1-3; cf. Cadiou 2008: 612-627); all of this shows that the situation demanded an increase of the military presence in Hispania.

Octavian tried to resolve the problems when assuming the government of Hispania and entrusted the command of the province to men of confidence, like the Caesarian Domitius Calvinus or Marcius Philippus (Octavian's stepbrother),[73] but their successes of neither man were decisive.

Despite the victories achieved by Calvinus and his successors (most probably in the northern strip of the Peninsula, as Cassius Dio's allusion to the Κερητανοί suggests), Hispania was not totally pacified. Again, Cassius Dio claims that the Cantabrians, the Vaccaei and the Astures were *still* up in arms (ἦσαν μὲν γὰρ ἐν ὅπλοις ἔτι) when the senate decreed the closing of the gates of Janus on 11 January 29,[74] though he adds that they were later subdued by T. Statilius Taurus, *consul suffectus* in 37 and *iterum* in 26 (who, however, was not granted a triumph).[75] Little more than a year after the closure of Janus' temple, the *Fasti Barberiniani* records that C. Calvisius Sabinus celebrated a new triumph *ex Hispania* for his military actions in the Peninsula, which suggests that Statilius Taurus' victory had been far from definitive.[76] According to the *Fasti Barberiniani*, in fact, Sex. Appuleius (*cos*. 29) also triumphed *ex Hispania* two years later on 26 February 26, and we must keep in mind that Augustus arrived in Hispania precisely at the beginning of 26 to supervise in person the campaigns against the Cantabrians and the Astures.[77] As is well known, the war extended until the year 19,

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73 Szramkiewicz 1976b: 75-85; cf. Syme 1986: 27-28; 33-34; Perea Yébenes 2017: 123-129.

74 See *Fasti Praenestini* (*CIL* 1², p. 231: *d[ebellavit imp. Caesar Augustus tertium] ab Romulo et Ianum c[lausit se V et Appuleio cos.]*).

75 Dio Cass. 51.20.5: ἦσαν μὲν γὰρ ἐν ὅπλοις ἔτι καὶ Τρήουηροι Κελτοὺς ἐπαγαγόμενοι καὶ Κάνταβροι καὶ Οὐακκαῖοι καὶ Ἄστυρες· καὶ οὗτοι μὲν ὑπὸ τοῦ Ταύρου τοῦ Στατιλίου, ἐκεῖνοι δὲ ὑπὸ Νωνίου Γάλλου κατεστράφησαν; Sánchez Moreno 1998: 59; Pérez Vilatela 1999: 229-230; Curchin 2004: 63-64; Amela Valverde 2009: 130-135; cf. also Syme 1970: 85 (who did not discard the possibility of Calvisius Sabinus preceding Statilius Taurus in Hispania); Wiseman 1971: 263, no.413; Szramkiewicz 1976b: 444-445. T. Statitilius Taurus had won a triumph *ex Africa* in 34 (cf. *Fast. Barb.* s. a. 34) and, most probably, won his third imperatorial salutation (*CIL* 2.3556) thanks to his victory in Hispania, so it is possible that Octavian decided not to grant him a second triumph to prevent Taurus from accumulating more distinctions than necessary; cf. Schumacher 1985: 213. See, however, Perea Yébenes 2017: 127, who considers that Taurus' actions were diplomatic rather than military and that, consequently, the latter was not deserving of the triumph (but we must keep in mind that Lepidus achieved his second triumph seemingly thanks to his diplomatic mediation with Sextus Pompeius in 43; cf. Cic. *Phil*. 13.7-9; Dio Cass. 45.10.6; 48.17.1; App. *B Civ.* 4.31; Lange 2016: 83-86).

76 *Fast. Barb*. s. a. 28.

77 Dio Cass. 53.25.2-6; see *Act. Tr. Cap*. s. a. 26: *Sex. Appuleius Sex. f. Sex. n. pro cos. ex Hispania VII k. Febr. a. DCCXXVII*; *Fast. Barb*. s. a. 26. Rich 2009: 146-148; Itgenshorst

when Agrippa pacified the last pockets of resistance, but it seems clear that the Augustan campaigns were really the last major episode in a series of long wars waged by the Romans in the northern portion of Hispania.[78]

Moreover, Cassius Dio's use of the temporal adverb ἔτι when commenting on the hostility of the Cantabri, Vaccaei and Astures in 29 leads one to think that the problems with the latter had certainly begun some years before; furthermore, we cannot forget that Cassius Dio himself points to the Vaccaei as one of the peoples that were up in arms when Metellus Nepos arrived in Hispania in 56.[79] Both Florus and Orosius state that the Cantabrians used to harass the Vaccaei, Turmogi and Autrigones, all peoples from north-eastern Meseta,[80] so it is likely that the military actions carried out by the Romans during the last years of the Republic and the Triumvirate were at least initially a response to the raids launched by peoples from northern Hispania against their meridional neighbours. At any rate, it is noteworthy that Florus and Orosius' testimonies also situate the conflicts in northern Hispania and, more concretely, in the eastern spurs of the Cantabrian Mountains (in the lands of the Vaccaei, Turmogi and Autrigones);[81] the discovery of the remains of a battlefield and a small Roman camp in Andagoste (Álava), which probably date to before 35 B.C., confirms that the Romans did carry out military interventions in this corner of the Peninsula long before Statilius Taurus' arrival in 29.[82]

2005: 424-426, no.295; Perea Yébenes 2017: 128-129; Lange 2019: 125-126; cf. Szramkiewicz 1976b: 376-377.

78 Syme 1970: 85-86; for the development of the war, see 93-107; Rodríguez Colmenero 1979: 87-90; 112-130; Ramage 1998: 435-437; cf. Le Roux 1995: 59-62; 2014: 152-154.

79 Dio Cass. 39.54.1-2.

80 Flor. 2.33.47; Oros. 6.21.3; Rodríguez Colmenero 1979: 21-22. Sánchez Moreno 1998: 64-65 points out that the Vaccaean lands were the breadbasket from which peoples like the Cantabri or the Astures used to get grain (as Hannibal and the Romans had probably done before; cf. Polyb. 3.14.1; Liv. 21.5.5-8; App. *Hisp*. 51; 76; 80; 87), a fact that could explain the raids carried out by the latter; cf. Pérez Vilatela 1999: 226-230.

81 Strabo (3.3.7) calls the Autrigones Ἀλλότριγαι when talking about unpronounceable peoples of the northern end of Hispania: ἔστι δὲ τῶν ὀρείων ὁ βίος οὗτος, ὥνπερ ἔφην, λέγω δὲ τοὺς τὴν βόρειον πλευρὰν ἀφορίζοντας τῆς Ἰβηρίας, Καλλαϊκοὺς καὶ Ἄστουρας καὶ Καντάβρους μέχρι Ὀυασκώνων καὶ τῆς Πυρήνης· ὁμοειδεῖς γὰρ ἁπάντων οἱ βίοι. ὀκνῶ δὲ τοῖς ὀνόμασι πλεονάζειν φεύγων τὸ ἀηδὲς τῆς γραφῆς, εἰ μή τινι πρὸς ἡδονῆς ἐστιν ἀκούειν Πλευταύρους καὶ Βαρδυήτας καὶ Ἀλλότριγας καὶ ἄλλα χείρω καὶ ἀσημότερα τούτων ὀνόματα. Pliny (*HN* 3.26) situates the *Turmogidi* into the *conventus Cluniensis*; on the Vaccaei, cf. Str. 3.3.2-3; 3.4.12-13; Plin. *HN* 3.19; Sánchez Moreno 1998: 59-64.

82 Ocharán Larrondo – Unzueta Portilla 2002: 311-326; Amela Valverde 2006: 52-53; 2009: 128-130; Unzueta Portilla – Ocharán Larrondo 2006: 473-482.

We can therefore conclude that Domitius Calvinus' successors probably acted in the north-eastern part of the Meseta, not far from the lands of the Cantabrians and that the theatre of the Roman campaigns in Hispania was successively moved during the Triumvirate and the Augustan age from the eastern slopes of the Pyrenees, where Calvinus had subdued the Κερητανοί, to the Cantabrian Mountains and the remote lands of the Astures. If the ancient historians provide much more details about the wars carried out in the Peninsula from 26 onwards, this is simply because Augustus was personally involved in them, but this does not imply that the military actions carried out by the Romans in previous years were unimportant. Cassius Dio's claim that the wars preceding Augustus' intervention in Hispania were not worth remembering is possibly more determined by his own desire to focus on the military successes of the emperor than by the true significance of such campaigns.[83] Augustus indeed records in his *Res Gestae* the recovery of several military standards lost by other commanders *ex Hispania et Gallia et a Dalmateis* (*signa militaria complur[a per] alios d[u]ces ami[ssa] devicti[s hostibus] re[cipe]ravi ex Hispania et [Gallia et a Dalm]ateis*).[84] We do not know the circumstances in which these *signa militaria* fell into the hands of the enemy, nor do we know the identity of the *duces* who lost them, but this mention does demonstrate the importance of the struggles that occurred in Hispania in the years before Augustus' arrival, while also seeming to situate some of these campaigns in the same areas in which the emperor would later intervene.[85] What is more, the fact that, most times, Octavian would decide to put the administration of the province into the hands of governors with consular rank also suggests that the situation in certain parts of Hispania was not all that reassuring.

Apparently, the Triumvirs reserved for themselves the right of allotting the command of those provinces that had come under their control, thus assuming a competence that the senate and the *populus* had traditionally held during the Republic.[86] We must suppose that each Triumvir held *imperium*

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83 Dio Cass. 51.20.5; on the use of the wars in Hispania in Augustan propaganda, see Salinas de Frías 1998: 156-168; for the impact of this propaganda in Hispania, see Ramage 1998: 454-473.

84 *RGDA* 29.1 (ed. J. Scheid).

85 Salinas de Frías 1998: 156; Scheid 2007: 76; Cornwell 2017: 142.

86 Laffi 1993: 42-43; Roddaz 1996: 86-87; Vervaet 2014: 244-248; Dalla Rosa 2014: 97-99. See Liv. 28.40.4; Cic. *Phil*. 2.50; App. *Syr*. 51; on the allocation of provinces during the Republic, cf. Rafferty 2019: 73-86.

over his cluster of provinces, whose government was entrusted to men of confidence mainly selected from the pool of yearly magistrates that had been earlier appointed under the terms of the *lex Titia*. Some scholars have concluded that those who administered the provinces during the Triumvirate were actually legates acting under the *imperium* and the *auspicia* of the *triumviri rei publicae constituendae*, and, as pointed out above, it is indeed likely that Lepidus granted the government of Hispania to legates when assuming the direction of the Peninsula in 43.[87] Furthermore, the evidences suggest that some provinces were certainly governed by *legati* who received delegated *imperium pro praetore* (never *pro consule*) in the absence of the relevant Triumvir,[88] as Pompey had done in Hispania after the passing of the *lex Trebonia* and as Augustus later did in the provinces allotted to him in 27.

However, as we have already seen, this was not the case with Hispania, nor that of many other provinces that were apparently ruled by former higher magistrates with their own *imperium* and *auspicia* as (in all likelihood) proconsuls. Velleius Paterculus' claim that Domitius Calvinus assumed the command of Hispania *ex consulatu* is conclusive,[89] and we should not forget

87 App. *B Civ.* 4.3. Following the lead of Mommsen, some scholars have supposed that Hispania was administered by legates invested with proconsular rank during the Triumvirate; cf., for instance, Broughton 1952: 369, n. 1: "Like [Fabius Maximus and Q. Pedius], the later commanders were Legates also under the superior imperium of the Triumviri, and their appearance as Proconsuls depended upon a fictive grant of imperium for the day of their triumph […] The term Proconsul cannot refer to their status in command since a Legate never had more than an imperium pro praetore"; also Jashemski 1950: 90-91; Szramkiewicz 1976a: 14-15; Rodríguez Colmenero 1979: 88; Hidalgo de la Vega 1986-1987: 99; Salinas de Frías 1995: 111-113; 1998: 156; Beard 2007: 297-298; Amela Valverde 2009: 65; 126 (but cf. 71); 2014: 69; Coudry 2016: 47-48; Perea Yébenes 2017: 122, n.1; 141.

88 Roddaz 1996: 84; Vervaet 2014: 245-246, n.114; cf. Broughton 1952: 369-370, n.1; Barrandon – Hurlet 2009: 42; Dalla Rosa 2014: 98-99. For the questionable case of the legate L. Manlius L. f. Torquatus (*Inschriften von Milet* 6.3.1121: ὁ δῆμος ὁ Μιλησίων Λεύκιον Τορκουᾶτον Λευκίου υἱὸν πρεσβευτὴν καὶ ἀντιστράτηγον), see Thomasson 1987: 275-276; Brennan 2000: 880, n.298. For a different take, see Jashemski 1950: 89: "Legates did not have imperium, but at times a governor left his legate in charge, giving him propraetorian or proconsular imperium." More controversial are the *denarii* of Antony (33) minted with the unusual inscription M·SILANVS·AVG | Q·PRO·COS on the reverse; cf. Crawford 1974: no.542/1; Pina Polo – Díaz Fernández 2019: 188.

89 Vell. Pat. 2.78.3. When talking about the arbitrary decisions taken by the Triumvirs in late 43, Cassius Dio (47.15.3) claims that they relieved all the praetors when they still had five days left in office and sent them to govern the provinces (πάντας μετὰ τοῦτο τοὺς στρατηγούς, πέντε ἡμέρας ἔτι ἄρχοντας, παύσαντες ἐκείνους μὲν ἐς τὰς ἡγεμονίας τῶν ἐθνῶν ἔστειλαν, ἑτέρους δὲ ἀντ' αὐτῶν ἀντικατέστησαν); Laffi 1993: 46-47. Hence, it is evident that

that neither Calvinus nor any of his successors would have been enabled to celebrate the triumph if they were mere legates. Despite Cassius Dio's assertion that Calvinus was awarded the triumph due to Octavian's concession, even being a ὑποστράτηγος of the Triumvir, the sources suggest, first, that both Calvinus and the later governors of Hispania ruled the province as proper *imperatores ex consulatu* (given their condition as consuls) according to the standards of the Republic (under the terms of the *lex Pompeia* of 52?), and not as lieutenants with delegated *imperium*;[90] and, secondly, that the command of Hispania was shared between the *imperium* of the corresponding governor and the *imperium* that Octavian held as *triumvir rei publicae constituendae*. Vervaet has recently suggested that the provinces in which proconsuls are attested during the Triumvirate (like Hispania) were *provinciae permixtae*, where the *imperator* who managed its administration acted under the *summum imperium auspiciumque* of the respective Triumvir:[91] this would explain not only why some governors of Hispania were allowed to hold triumphs, since they achieved their victories with their own *imperium auspiciumque*, but why they were subjected at the same time to the *imperium* and the auspices of Octavian and needed his approval to celebrate a triumph that also belonged legitimately to the Triumvir as the holder of the supreme command in the province (as Cassius Dio hints when mentioning Calvinus' triumph in 37).[92]

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a certain number of the provincial governors selected for 42 were appointed *ex praetura* and went to their destinations according to their status as praetors (namely, *suo imperio*) and not as legates. A second passage from Cassius Dio insists on the fact that (at least) some provinces continued being governed by former magistrates under the Triumvirs; in 48.53.1-2 he states that the consuls, praetors and quaestors who were arbitrarily succeeding one another every year were impatient not for holding office in Rome, but for being counted later among those who had held offices and the authority overseas: τοὺς δὲ δὴ ἄλλους τοὺς ἐν τῇ πόλει ταῦτά τε καὶ αἱ διαλλαγαὶ τῶν ἀρχόντων ἰσχυρῶς ἐτάρασσον· οὐ γὰρ ὅπως οἵ τε ὕπατοι καὶ οἱ στρατηγοί, ἀλλὰ καὶ οἱ ταμίαι ἐπ' ἀλλήλοις ἀντικαθίσταντο, καὶ τοῦτ' ἐπὶ χρόνον ἐγένετο. αἴτιον δὲ ὅτι πάντες οὐχ οὕτως ἵν' οἵκοι ἐπὶ πλεῖον ἄρξωσιν, ὡς ἵνα ἐν τοῖς ἄρξασιν ἀριθμῶνται καὶ ἀπ' αὐτοῦ καὶ τὰς τιμὰς καὶ τὰς δυνάμεις τὰς ἔξω λαμβάνωσιν ἐσπούδαζον; cf. Millar 1973: 51-53.

90 Schumacher 1985: 191-213; Roddaz 1992: 194-198; 1996: 82-87; 2014: 238-239; Barrandon 2011: 226; Dalla Rosa 2014: 97-109; Vervaet 2014: 245-252.

91 Vervaet 2014: 245-252.

92 Dio Cass. 48.42.4; Vervaet 2014: 247-252; Lange 2019: 120-122. Scholars used to cite as an example the case of P. Ventidius Bassus (*cos. suff.* 43), recorded both in Livy's *Periochae* and Florus as legate, despite the fact that he celebrated a triumph *ex Tauro monte et Partheis* as proconsul on 27 November 38, which was shared with Antony, according to Cassius Dio; cf. 49.21.1-3; *Act. Tr. Cap.* s. a. 38; *Fast. Barb.* s. a. 38; Liv. *Per.* 127; Flor. 2.19.5; Plut. *Ant.* 34.1-4; see Schumacher 1985: 194-197; Roddaz 1996: 84-85; Vervaet 2014: 247-248. Accepting the supposition that the commanders who governed provinces during the

Livy uses the denomination of *provinciae permixtae* to allude to those destinations or commissions that were allotted to (and therefore shared by) both consuls during the Hannibalic War as a single province, like the *provincia Italia*.[93] Livy indeed attests to several cases of provinces being assigned jointly to two higher magistrates in the same year, which shows that, as Vervaet argues, the convergence of two independent *imperia* into a single *provincia* had precedents within the Roman Republican institutional system.[94] Hispania is just one of the destinations in which Livy situates two *imperatores* acting simultaneously: in 195, the consul M. Porcius Cato was sent to Hispania Citerior jointly with the praetor P. Manlius, who was entrusted to Cato to assist him as an *adiutor*.[95] Livy's testimony shows that, in such situations, the lower magistrate (that with *praetorium imperium*) was subordinate to the consul within the joint province; regardless of holding his own *imperium* and auspices, the former had the duty of acting in accordance with the directives of the latter, given the consul's superior *imperium*.[96] During the Triumvirate, nevertheless, both the governors of Hispania and Octavian seem to have held *consulare imperium*, but the sources lead us to think that the *lex Titia* bestowed on the *triumviri rei publicae constituendae* an authority higher than that of the ordinary magistrates and the rest of the Roman institutions.[97] We can thus suppose that the relation of power between Octavian and the successive *imperatores* who administered the *provincia Hispania* at the Triumvir's will should have

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Triumvirate were all legates, Reinhold 1988: 51 alludes to P. Ventidius Bassus' title of proconsul in the *Fasti* as "nettlesome." See also Dio Cass. 51.21.6, on C. Carrinas' triumph; Vervaet 2014: 249-250; cf. Reinhold 1988: 156-157; Syme 1970: 86.

93 Liv. 27.35.10: *provinciae iis non permixtae regionibus, sicut superioribus annis, sed diuersae extremis Italiae finibus, alteri adversus Hannibalem Bruttii et Lucani, alteri Gallia adversus Hasdrubalem quem iam Alpibus adpropinquare fama erat, decreta*; cf. Liv. 27.22.2. Vervaet 2014, 246-247.

94 Vervaet 2014: 198-211; cf. Giovannini 1983: 68-72.

95 Liv. 33.43.5: *P. Manlius in Hispaniam citeriorem adiutor consuli datus*; see also 26.19.10 (cf. Vervaet 2014: 208-211); Cic. *Phil*. 10.24; cf. Giovannini 1983: 69-70; Richardson 1986: 181-183; Díaz Fernández 2015: 71-72. A similar situation took place in Sardinia in 177, when the consul Ti. Sempronius Gracchus received the command of the province with the *propraetor* T. Aebutius (*pr.* 178), who also became his *adiutor* by order of the senate (Liv. 41.15.6: *Gracchum eam provinciam [Sardiniam] pacare; ei T. Aebutium praetorem adiutorem ab senatu datum esse*); Brennan 2000: 147.

96 See Vervaet 2014: 200-202.

97 Roddaz 1992: 196-198; 1996: 86-87; Vervaet 2014: 239-242; Drogula 2015: 354-357; see Dio Cass. 50.25.2; Sen. *Cons. ad Polyb*. 16.1.

been similar to that known in Hispania Citerior in 195 (even though, unlike Cato and somehow following Pompey's example, Octavian never personally exercised his *imperium* over the province).

Despite of the scarcity of sources, we can draw some conclusions that underline the singularities characterizing the administration of the Peninsula in this period. During the Triumvirate, Hispania seems to have been ruled over by procedures that basically followed the characteristic guidelines for the governance of the provinces during the Republic: save very concrete periods, the command of Hispania was entrusted to men of consular rank who governed the provinces *ex consulatu* with their own *imperia* and auspices. We must abandon the idea of Hispania being administered by legates under the Triumvirs. Apparently, the system of government applied in Hispania from 42 to 27 had nothing to do with the measures introduced by Pompey in the Peninsula nor with the methods of administration later implemented by Augustus in the imperial provinces; rather, it is the swan song of institutional mechanisms that, duly adapted, somehow survived in the provinces restored to the Roman people by Augustus. Like Caesar before him, Octavian probably tried to project the image of restoring the traditional method of provincial government, thus masking his manipulation of the Republican institutions.

Beyond this attempt to maintain Republican traditions, the sources show that the system was absolutely directed and supervised by the Triumvirs, who assumed not only the right of appointing the ordinary magistrates and deciding who governed the provinces (thus taking such privileges from the Roman people and the senate), but also the possibility of holding *imperium* in the provinces despite being absent. Like in many other aspects, the authority of the Triumvirs overlapped with the structure of the provincial command.[98] In this sense, the solution applied in Hispania (as well as in some other provinces) is neither a simple continuation of the method of governance implemented by Pompey in the Peninsula nor a strict preservation of the administrative guidelines of the Republic, although it certainly owes much more to the Republican tradition than to the innovations introduced by Pompey in the administration of Hispania. What actually changed was the method of selection and appointment of the governors, not the nature of the provincial command.

98 Drogula 2015: 352-354; cf. Millar 1973: 51-54; Laffi 1993: 39-41.

Nonetheless, the sources also suggest that contrary to what had previously been customary (and would become so again in the later administration of the Peninsula), Hispania was governed as a single province by reasons that are still unclear. Whatever the causes for this merger, the decision should not be attributed to a supposed period of peace or to the absence of conflict. What the evidence clearly indicates is that Hispania continued being a scene of Roman military campaigns during these years to the point of allowing six proconsuls to celebrate a triumph in the lapse of almost a decade. Most probably, the conflicts did not share the same magnitude as those that had took place in Hispania in the past, but this does not mean that the wars were irrelevant. The later intervention of Augustus in Hispania, duly magnified in his *Res Gestae* and the historiographical tradition, was actually the last of a series of military campaigns, destined to pacify the most remote corners of the northern Peninsula, that, like the Republican institutions, were eclipsed by the victory of the emperor.

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TRIUMVIRAL DOCUMENTS FROM THE GREEK EAST

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In 1973 Fergus Millar published a remarkable study called "Triumvirate and Principate."[1] Apart from a long discussion on the powers of the Triumvirs versus the traditional organs of the Roman Republican State, he provided a list of the documents containing official decisions from the Triumviral period. Putting together all these texts, Millar recorded 15 documents that come almost exclusively from the Greek East.[2] This list can now be updated with at least two more entries: the so-called *Lex Fonteia* from Kos and a fragmentary Triumviral senatorial decree together with an edict discovered in Ephesus (see below). Now we have learned that two documents from the list join together[3] to form the lengthy *senatus consultum* (hereafter *sc*.) concerning the community

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* I wish to thank professor Francisco Pina Polo for asking me to contribute to the present book. This article is dedicated to the memory of Fergus Millar, who was an excellent tutor during my research stay in Brasenose in 1997. The following abbreviations are used: *ELM* II = P. Cugusi, *Epistolographi Latini minores* II, *aetatem Ciceronianam et Augusteam amplectens*, Augustae Taurinorum 1979; *RDGE* = R.K. Sherk, *Roman Documents from the Greek East. Senatus consulta and Epistulae to the age of Augustus*, Baltimore (MD) 1969; *RS* = M.H. Crawford (ed.), *Roman Statutes* (BICS Supplement 64), I-II, London 1996.

1 Millar 1973.

2 He missed one text, an edict of Marcus Antonius on (the restoration of?) land (most probably in Italy), whose purpose and date are uncertain (though his title points to 34 BC): *Liber coloniarum* I, p. 246, 11-15 Lachmann; Bruns, *Fontes*[7], no.68; Riccobono, *FIRA* I[2], no.54.

3 Nos. 8 (*RDGE* no.28B) and 12 (*RDGE* no.29) in Millar's list (Millar 1973: 56-57).

of Plarasa/Aphrodisias, which have been published by Joyce Reynolds.[4] All in all, we reach the number of 20 documents, when we include four of uncertain date and provenance. Together, these texts form a valuable dossier, especially if we consider that the total number of entries in Sherk's *RDGE* is 71. The main purpose of the present contribution is to discuss the official documents coming from the Greek East issued during the Triumviral period. Besides adding new documents to Millar's list, there are some important questions of interpretation that I will dwell on throughout the following analysis.

The relevant documents can be arranged in five groups. The first group contains M. Antonius' acts, including his official letters. By official Roman correspondence I mean *epistulae* sent by magistrates or the Senate to the officials of a foreign city or sovereign state to communicate the policy of the Senate or magistrates on a particular point. Accordingly, I do not include private letters in this category. As a matter of fact, official letters were used to transmit the texts of *senatus consulta* or *edicta* to Greek cities and hence they served as covering letters that provided official information.

Flavius Josephus mentions three *epistulae* sent by Antonius: (1) a letter to the high priest and ethnarch Hyrcanus II and to the Jewish *ethnos* granting them privileges in Tyre and praising the victory over Brutus and Cassius; (2) a letter sent to Tyre on behalf of Jewish rights; finally, (3) another covering letter to Tyre enclosing his διάταγμα (*edictum*).[5] All three of these letters were responses to requests made by embassies to the Triumvir in Ephesus sometime after Philippi, most probably in the spring of 41 BC, when our sources tell us that Antonius sojourned there.[6] Antonius' letters to Tyre and the enclosed edict concern the restoration of lands to Jews and the release of enslaved Jews who had been taken prisoners in the period of Cassius' domination. Josephus notes that similar letters were sent to Sidon, Antioch and Arados as well, but he does not quote them.[7]

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4 Reynolds 1982: 54-91, no.8; a new edition of this *sc.* can now be found in Raggi – Buongiorno 2020: 47-56.

5 Respectively, Jos. *AJ* 14.306-313, 314-318, 319-322 (*ELM* II.1: 257-260 and II.2: 287-289).

6 Plut. *Ant.* 24; App. *B Civ.* 5.15; cf. Dio Cass. 48.24.1.

7 Jos. *AJ* 14.323. It is interesting to look at the reasons that Josephus gives for why he chose to preserve Antonius' letters concerning the privileges of the Jews: "it seems to me necessary to make public all the honors given our people and the alliances made with them by the Romans and their autocrats [*imperatores*] in order that all the others may not fail to recognize that both the kings of Asia and of Europe have held us in esteem and have

A letter of 33 lines written by M. Antonius to the *koinon* of the Greeks living in Asia is preserved on the *verso* of a British Museum medical papyrus, which dates to the second half of the first century AD. An inscription copied in Smyrna, but said to have been found in Tralles, preserves part of the letter's opening, though in a very mutilated form:[8]

[Μᾶρκος Ἀν]τώνιος αὐτοκρά[τωρ τριῶν ἀνδρῶν δημοσί]-
[ων πραγμάτ]ων ἀπὸ καταστά[σεως τῷ κοινῷ τῶν ἀπὸ τῆς Ἀ]-
[σίας Ἑλλήνω]ν καὶ τοῖς προέδ[ροις - ca. 6 - χαί]-
[ρειν· καὶ πρότε]ρον ἐντυχόν[τος μοι ἐν Ἐφέσωι Μάρκου]
[Ἀντωνίου Ἀρτεμιδώρου τοῦ ἐμοῦ φίλου - - -]

Here Antonius refers to two embassies: the first requested the maintenance – not to mention the addition of others exemptions – of the former privileges of the *synodos* (the professional world-wide organization) of ἱερονεῖκαι and στεφανεῖται (those who had been victorious in sacred games and had won garlands, either athletes or dramatic performers such as Dionysiac artists); the second asked for permission to record the privileges and to have them engraved on a bronze tablet. In both instances Antonius agreed. Since the meeting between the envoys of the *synodos* and Antonius took place in Ephesus, there is evidence to help us speculate about the approximate date, since our sources tell us that he had been in Ephesus on two occasions: first in the spring of 41 BC after Philippi and a second time toward the end of 33 BC.[9] While the first date must be taken more seriously (for reasons that will be laid out at the end of this paper), another solution has been proposed: that here we have the text of the second letter sent by Antonius, who received the second embassy of the *synodos* in 33 BC in order to confirm the privileges granted in 41 BC.[10]

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admired our bravery and loyalty", and "against the decrees of the Romans nothing can be said - for they are kept in the public places of the cities and are still to be found engraved on bronze tablets in the Capitol" (Jos. *AJ* 14.186 and 188, cf. 265-267: translation and commentary in Pucci Ben Zeev 1998: 25-31, 230-232).

8 *P. Lit. Lond.* 165, *Brit. Libr. inv.* 137; *I. Tralleis* 105A; cf. *RDGE* no.57; *ELM* II.1: 261-263, II.2: 289-291. For a recent and comprehensive study of the papyrus, see Ricciardetto 2016, part. CXXV-CXXXVIII, CXLVIII, 66-67 and 187-188 for Antonius' letter (with further bibliography); also see Ricciardetto 2012.

9 For Antonius' first visit to Ephesus see above, note 6; for his second, see Plut. *Ant.* 56. See the discussion in *RDGE*: 292-293.

10 Ebert 1987.

Twelve fragments of an opisthographic marble stele were found during the excavations of the Asklepieion of Kos at the beginning of the twentieth century.[11] The name of M. Antonius had surely been erased[12] at line 8 (his name is legible at line 12) and possibly also at line 1 of side A, fragm. a, where the *rasura* probably contained an eponymous date (see Buraselis and Hallof *ad loc.*):

⟦ *rasura* ⟧
⟦ *rasura* ⟧ μηνὸς Πανάμου δευτέ-
[ραι ἐξ ἰκάδος vac. Γάϊος] Φωντήιος Γαΐου υἱὸς Καπίτων ἱερεὺς
4 [κατὰ τὸ δίκαιον τῶι δ]ήμωι προσανήνεγκεν ἐκ συνκλήτου γνώ-
[μης, … …] … …
… … … …
8 [ἐπεὶ ⟦Μᾶρκος Ἀντώνιος Μάρκου υἱὸ]ς⟧ αὐτοκράτωρ τριῶν ἀν-
[δρῶν δημοσίων πραγμάτων κατα]στάσεως ἀπὸ συμβουλίου γνώ-
[μης - - -] …

It appears that a law was passed by the *rogator legis* C. Fonteius C.f. Capito (probably the suffect consul of 33 BC),[13] perhaps in his capacity as *tribunus plebis* (?), in accordance with the Senate's will. The mention of Fonteius Capito as a priest[14] (line 3: ἱερεὺς, which presumably is the Greek translation of *pontifex*) is rather atypical, even if his magistracy had also been given: as a matter of fact, we know of no precise parallel for a priest presiding over a popular assembly. The beginning of the statute, which has been dubbed the *lex Fonteia* by modern scholars, cites the reasons behind the decision (line 8: ἐπεὶ-clause) and the authority both of M. Antonius (line 12: τὴν Ἀντωνίου κρίσιν) and his *consilium* (lines 9-10); after that, several fragments follow that grant the right of Roman citizenship and a series of privileges (honours and exemptions) to a number of Greeks whose names are not preserved.

As for the year of the law's passage, Münzer has claimed that the text may date to June 39 BC,[15] before Antonius returned to the East. This proposal fits with the evidence that we have on C. Fonteius Capito, a close friend of M.

11 *RS*: 497-506, no.36; improved edition in *IG* XII.4.1, 266 (Kl. Hallof). Still valid are the remarks offered by Buraselis 2000: 25-30.

12 Compare the erasure of Antonius' name in the Caesarian document from Sardis, concerning the grant of *asylia* to the sanctuary, which is discussed in Herrmann 1989: 133 (text), 138.

13 *MRR* II: 414, 486; *PIR*² F 469.

14 For C. Fonteius Capito's religious interests, see Weinstock 1950.

15 Münzer 1918.

Antonius, who in 38 BC acted as *legatus pro praetore* and in 37 BC accompanied Cleopatra to Syria.[16]

It seems highly probable that Antonius bestowed the *civitas Romana* together with a bundle of other privileges on some of Kos' elites. The text preserved in these fragments seems to mostly follow the same order as the clauses of the Triumviral edict for Seleucus of Rhosos and Octavian's edict on veterans' privileges (to which I will return later); furthermore, the text also bears various resemblances to sections of the *sc. de Asclepiade* (78 BC).[17] However, there would have been no need to confirm his resolutions by law, since the *lex Munatia Aemilia* of 42 BC, which is known from the text of the edict for Seleucus of Rhosos (see below), conferred upon the Triumvirs the right to bestow the *civitas Romana* on *peregrini*. What we have here, then, is either a law which approved other privileges (lines 13-14: [- - - τὰ συγκεχωρημ] συγκεχωρημ]- ἐν[α] φιλάν[θ]ρωπά τε λοι[πὰ - - -]) conferred to Kos by M. Antonius or, alternatively, a series of supplementary privileges that were not envisaged or included in the provisions of the *lex Munatia Aemilia* of 42 BC.

The second group of Triumviral documents includes Octavian's acts related to the Greek East. Several Triumviral texts come from the dossier of documents inscribed between the end of the second and the beginning of the third centuries AD on the so-called (though improperly named)[18] "archive wall" of Aphrodisias in Caria. One of these is a letter that Octavian sent to the community of Plarasa/Aphrodisias.[19] The name of the Triumvir is missing from the heading, a fact that led many before Reynolds' edition to suppose that it was actually from Marcus Antonius.[20] Antonius, of course, received the Eastern provinces when the Triumvirs divided the Roman world amongst themselves after the battle of Philippi, hence Asia formed part of his 'territory'. But the document's contents and the fact that Octavian mantained a close connection with Plarasa/Aphrodisias, as he explicitly states in the letter to Stephanus quoted below, make it clear that the letter was actually from Octavian, not Antonius. Octavian writes in response to a request brought by

16 See the evidence gathered by Ferriès 2007: 401-403, no.69.

17 On which see the edition and commentary in Raggi 2001.

18 Cf. Kokkinia 2015-2016.

19 Reynolds 1982: 41-48, no.6; *IAph2007* 8.25; new edition in Raggi – Buongiorno 2020: 152-160.

20 As in *RDGE* no.28A with previous literature; after Reynolds' edition Giovannini 1989 reaffirmed this belief.

Solon son of Demetrius, the community's ambassador, for copies of the documents granting them privileges (he had asked that copies of the edict, the *sc.*, the treaty and the law that relate to Plarasa/Aphrodisias be sent from the public archives of the *aerarium*). As a result, this document is actually a covering letter of the Senate's decree and can be dated with certainty soon after the passing of the *sc.* concerning the Carian community in the autumn of 39 BC.

Next in this category comes a letter from Octavian to the city of Ephesus, requested by an embassy from Aphrodisias.[21] It advises the inhabitants of the metropolis that the Triumvir has given his colleague M. Antonius ἐντολαί (which most likely translates Latin *mandata*)[22] to recuperate as much as possible of the Aphrodisian properties that had been robbed during Quintus Labienus' invasion of Asia.[23] The letter came to Ephesus because it had been reported to Octavian that a golden statue of Eros, dedicated by his father Julius Caesar, had been set up as an offering in the Artemisium of Ephesus after having been looted from Aphrodisias. Octavian emphasizes his obligation as a patron to assist the Aphrodisians and reminds the Ephesians of this requirement and the remarkable manner in which he was carrying it out.[24] Both the reference to the ambassador Solon (see previous letter) at lines 4-5 and Octavian's title (Αὐτοκράτωρ Καῖσαρ = *Imperator Caesar* at line 1)[25] suggest that the letter was written and sent relatively early in 38 BC.

Similarly in late 39 BC or, more likely, early 38 BC, Octavian sent a letter to Stephanus, a local agent of M. Antonius who was tasked with administrative duties in the region (Caria), instructing him to protect Plarasa/Aphrodisias.[26]

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21 Reynolds 1982: 101-103, no.12; *IAph2007* 8.31.

22 Mason 1974: 43, 126-127.

23 Lines 7-10: περὶ ὧν πάντων Ἀντωνίῳ τε τῷ συνάρχοντι ἐντολὰς δέδωκα ὅπως ὅσα ποτὲ ἂν δύνηται ὃ ἂν εὕρῃ ἀποκαταστήσῃ αὐτοῖς ("with regard to all these matters I have given a commission to my colleague Antonius, that he should restore to them as much as he can find": translation by J. Reynolds). For a recent discussion of the war of Labienus, see Delrieux – Ferriès 2004: 67-71.

24 Lines 19-20: ἀνάνκη γάρ μοι [[Ἀφροδεισιέων]] ποιεῖσθαι πρόνοιαν οὓς τηλικαῦτα εὐεργέτηκα ἣν καὶ ὑμᾶς ἀκούειν νομίζω ("For concerning the Aphrodisians, upon whom I have conferred such great benefits, it is necessary that I should take the care about which I think you too have heard": translation by J. Reynolds). An analysis of the letter's wording can be found also in Badian 1984: 163-165.

25 The assumption of the *praenomen Imperator* by Octavian took place in 38 BC: Syme 1958.

26 Reynolds 1982: 96-99, no.10; *IAph2007* 8.29. Cf. the discussion in Badian 1984: 157-163. On the figures of these local agents, see Eich 2005: 94-98; Dalla Rosa 2018: 501-

The letter was dispatched to quite a few addressees, one of them being, of course, Aphrodisias. Reynolds believes that this is a private communication sent by Octavian, but there is no doubt that the Aphrodisians received a copy[27] and the document was probably made public or at least filed in the archives, whence it was taken centuries later in order to be inscribed on the so-called "archive wall." Octavian explicitly states that, in the absence of M. Antonius, who was present in Asia only on rare occasions, he had Aphrodisias' interests at heart above those of all other cities in Asia: μίαν πόλιν ταύτην ἐξ ὅλης τῆς Ἀσίας ἐμαυτῷ εἴληπφα. v.v. τούτους οὕτω θέλω φυλαχθῆναι ὡς ἐμοὺς πολείτας.[28] The letter, which typifies what we can call the "Roman genre of patronal epistolography," served to inform the city of the patron's care.[29]

Several letters sent by Octavian to the Syrian community of Rhosos, inscribed at the end of the thirties BC or later on, were found on a tall stele in a necropolis.[30] One is a letter (lines 1-8 of the dossier) advising Rhosos to file in its public archives an attached document: the Triumviral *edictum* (which we will consider shortly) that grants the right of Roman citizenship to the local citizen Seleucus and that had been copied from a column in the Capitol at Rome. Octavian also requests that the city send copies of the document to Tarsus, Antioch and, possibly, Seleucia of Pieria, which were most likely the seats of the *conventus iuridici* in the area. The date of the letter can be fixed in autumn / winter 35 BC and it is clearly another covering letter.

An *edictum* from Octavian that granted privileges – but not the right of Roman citizenship – to veterans is known from a Latin papyrus found in the Fayum that has been dated to the second half of the first century AD.[31] The document is part of a report of legal proceedings, which explains the presence of extremely legalistic terms in the document: [.] *cum Manius Valens veteranus ex*[.]*ṭer recitasse<ri>t paṛtem ediṭcti hoc quoḍ infra scriptum est* (lines 1-2). In

504; according to Badian 1984: 161, Stephanus seems most likely to be a slave, not a freedman or a local Greek citizen.

27 Reynolds 1982: 97.

28 Reynolds' translation: "This one city I have taken for my own out of all Asia. I wish these people to be protected as my own townsmen" (96).

29 Badian 1984: 157-158.

30 For the whole dossier from Rhosos see *RDGE* no.58; improved edition and commentary in Raggi 2006.

31 *BGU* II.628*v*, II; *FIRA* I², no.56; *Ch. Lat. A.* X.416*v*, II; Raggi 2006: 223-229; most recently Purpura 2012, with new interesting remarks and previous literature.

this edict Octavian grants immunity to all veterans, their parents, children and wives, adding that they are to be Roman citizens (*cives Romani*) *optimo iure optimaque lege*. It is, in short, a comprehensive grant. The precise nature of the type of veterans mentioned in the document has been disputed as well as the document's date. That said, the act can be plausibly dated to some years after 37 BC, if the emendation of Octavian's title *trium*[*v*]*i r rei publicae co*n*s*<*t*>(*ituendae*) <*i*>*t*<*e*>*r*(*um*) (line 3) is correct.

The third group of Triumviral documents from the Greek East contains the acts that were jointly issued by the two powerful Triumvirs. First, we have the abovementioned *edictum* that grants the right of Roman citizenship and several outstanding privileges to Seleucus,[32] a fleet commander from Rhosos in Syria, in accordance with the *lex Munatia Aemilia* passed by the consuls of 42 BC,[33] L. Munatius Plancus and M. Aemilius Lepidus (the order in which they appear is clearly an early reflection of Lepidus' diminished status in the Triumvirate). To determine the edict's exact date is not possible, given the present state of our evidence, but it must fall into the general period of 41-36 BC (as said before, the covering letter was sent by Octavian at the end of 35 BC). There are two compelling options: either 41 BC (the military action of Seleucus would then have been connected in some way to the Battle of Philippi of 42 BC) or, more plausibly in my view, 36 BC (Octavian' naval victory over Sextus Pompeius[34] at Naulochus in Sicily).

M. Antonius also seems to have been involved in the granting of Roman citizenship to Seleucus of Rhosos. Even though the name of only one Triumvir is given at the head of the edict, the regular use of the plural forms, especially ἔδωκαν at line 11, suggests that the original document referred to a grant from at least two of the Triumvirs and was then altered before being inscribed several years later. The original in the Capitol would have contained all the names in the heading. In this case, M. Antonius' name was omitted because, when the dossier was engraved, the Battle of Actium had taken place and

32 See above note 30.

33 Lines 9-11: [Καῖσαρ] αὐτοκράτωρ, τριῶν ἀνδρῶν ἐπὶ τῆς καταστάσεως τῶν δημοσίων πραγμά[των, κατὰ ν]όμον Μουνάτιον καὶ Αἰμίλιον πολειτείαν καὶ ἀνεισφορίαν πάντων τῶν [ὑπαρχόντ]ων ἔδωκαν (!) εἰς τούτους τοὺς λόγους ("[Caesar] imperator, triumvir for the constitution of the Republic, [by virtue of the] Munatian and Aemilian Law conferred (Roman) citizenship and tax-exemption for all present property on the following terms": translation by Sherk 1984: 106-107).

34 On the son of Cn. Pompeius Magnus, see the recent study by Welch 2012.

Antonius was dead. In this context, we can see why the prudent city of Rhosos would have only used Octavian's name.

Another document from the "archive wall" in Aphrodisias is a Triumviral *edictum*[35] that we can reasonably identify as the edict (lines 26-27: ἐπίκριμα) mentioned in the letter sent by Octavian to Plarasa/Aphrodisias and with the edict (line 49: ἐπίκριμα again) of Octavian and M. Antonius referred to in the *sc. de Plarasensibus et Aphrodisiensibus*. Accordingly, the date of the *sc*. provides a *terminus ante quem* (2 October 39 BC), while the *terminus post quem* would be the agreement made at Brundisium in autumn 40 BC.[36] The text is particularly fragmentary and the precise mode of expression is likely beyond recovery; however, the edict gave what should be regarded as short-term privileges to several communities (lines 3-4: Rhodes, Lycia, Tarsus, Laodicea and Plarasa/Aphrodisias) that either suffered especially severely from the requests of Brutus and Cassius or were affected by Q. Labienus' incursion in Asia; these privileges were, no doubt, confirmed by *senatus consulta* during the second part of the year 39 BC.

We also have another act issued jointly by the Triumvirs found at Ephesus in the Marienkirche, which is even more difficult to understand and must be dated after 42 BC.[37] The first eleven lines of this fragmentary text are probably the final part of a *sc.*; then follows an extract from a Triumviral *edictum*. Both documents could have been attached to a letter transmitted by one of the two Triumvirs. The main goal was to give privileges and tax exemptions to the members of the Ephesian *Mouseion*, i.e. teachers and doctors (παιδευταί and ἰατροί). The most interesting point is that the *sc*. empowered the Triumvirs to issue an edict in order to enforce the decisions taken by the decree of the Senate (lines 7-11).

The fourth group of official acts from the Triumviral period related to the East contains those that were not issued either alone or jointly by the Triumvirs; therefore, these mainly include decrees of the Senate. Apart from the abovementioned *sc*. concerning the privileges of the *Mouseion* at Ephesus, a

35 Reynolds 1982: 48-54, no.7; *IAph2007* 8.26.

36 The inclusion of Σεβαστός with Octavian's nomenclature at line 1 is disturbing: according to Reynolds 1982: 50, it must have been inserted at Aphrodisias some time in or after 27 BC, perhaps in the first decades of the first century AD. The location of the fragmentary block which contains it, however, is highly problematic; moreover, in this part of the text the line-length itself is less than certain.

37 For a new edition and full discussion with previous literature, see Laffi 2006.

number of *senatus consulta* were approved in the crucial year 39 BC and hence bear witness to the difficulties and suffering experienced by some Asian communities at the hands of Q. Labienus and his Parthian troops. The first one probably concerns Stratonicea in Caria, since the inscription was found in the ruins of the Temple of Zeus at Panamara; it was issued in response to a large Greek embassy – a clear indication of the importance of the mission – and is formally dated to 15 August during the consulship of L. Marcius Censorinus and C. Calvisius.[38] Two fragments from a stele of white marble were also found in Panamara, where only the left side is preserved,[39] and could be part of the same *sc. de Panamara* of 39 BC.

In the same year on October 2, the consuls requested that the Senate grant several privileges and rights, particularly freedom and immunity (*libertas et plenissima immunitas*) to the community of Plarasa/Aphrodisias in Caria.[40] The *sc. de Plarasiensibus et Aphrodisiensibus* runs to 95 lines and, therefore, must be regarded the longest *sc.* preserved in Greek, not to mention the longest in general apart from the renowned *sc. de Cnaeo Pisone patre*. Here we have an interesting clause, which gives the views (or even better recommendations) that M. Antonius and Octavian put before the senators: namely the Triumvirs made a speech in the Senate in order to support the cause of Plarasa/Aphrodisias (lines 26 ff., ἐπειδὴ-clause). As a result, this is an act that was prompted by both of them. Again, at lines 48-51 the Senate (and I quote from Reynolds' translation) accepts that

> all those rewards, honours and privileges which C. Caesar or M. Antonius, *Triumviri Reipublicae Constituendae*, have given or shall give, have allotted or shall allot, have conceded or shall concede by their own decree to the people of Plarasa and Aphrodisias, all these should be accepted as having come about duly and regularly.[41]

This is plainly a senatorial confirmation of the privileges granted or to be granted to the Carian community by Triumviral decree.

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38 *Sc. de Panamara*: *RDGE* no.27; *I. Stratonikeia* 11.

39 *RDGE* no.30; *I. Stratonikeia* 12.

40 See above note 4 for the text editions.

41 Lines 48-51: ἅ τέ τινα ἔπαθλα, τειμὰς, φιλάνθρω[πα Γάϊ]ος Καῖσαρ ἢ Μᾶρκος Ἀντώνιος, τριῶν ἀνδρῶν τῆς τῶν δημοσίων πραγμάτων διατάξεως τῷ ἰδίῳ ἐπικρίματι Πλ[αρα]σεῦσιν καὶ Ἀφροδεισιεῦσιν ἔδωκα[ν] ἢ δώσουσιν, προσεμέρι<σ>αν, προσμεριοῦσιν, συν<ε>χώρησαν, συνχωρήσουσιν, τα[ῦ]τα πάντα ὀρθῶς καὶ στοιχούντως δοκεῖν γεγεν<ῆ>σθαι.

Lastly, a mutilated text on a marble stele found at Ephesus preserves a Greek translation of a *rogatio* of a *lex* establishing (ceremonies? and) a priesthood in honour of the deified Julius Caesar.[42] In fact, the first words recall and translate the terminology of the prescript of a *rogatio*: *velitis iubeatis* (θέλετε κελεύετε).[43] This is hardly surprising: in the late Republic we have some cases of *leges*, which had presumably been passed by the assembly but were nonetheless publicised in the form of a *rogatio*.[44] There is a reference to M. Antonius in the first line: the *rogatio*, therefore, seems to be linked to Antonius and "must presumably be consequential on another measure establishing a posthumous priesthood for Caesar and it may even be consequential on a measure appointing Antonius as his priest,"[45] inaugurated as a *flamen*. In fact, we know that the cult of Caesar at Rome was designed to have a *flamen*. It seems then that this *lex* was approved after the Triumviral vote on granting divine honours to Julius Caesar in 42 BC,[46] but nothing in the text as preserved tells us why it was published at Ephesus (even if some authors suppose that it relates to Antonius' presence in the city in 41 BC,[47] it probably only means that it had implications for the provinces); furthermore, we are left wondering what was its relationship to the puzzling *lex Rufrena* that established that statues be erected *iussu populi Romani* to Divus Iulius.[48] In short, the text still remains highly controversial.

Let us turn quickly to the Triumviral documents of uncertain date related to the Greek East (the fifth and final group). We have a letter (preserved to us by Josephus) written by a Roman magistrate to the Greek town of Paros confirming the rights of the Delian Jews.[49] The first line of the letter, which

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42 *FiE* iv.3, 24; *I. Ephesos* 4324; *RS*, no.35.

43 Linn. 1-3: θέλετε κελεύετε ἵνα Μᾶρκος Ἀν[τώνιος - - -] εἴτε τι ὑπὲρ ταύτης ἱερωσύνης τε[- - - τὴν ἱερομ]νημονήαν θεοῦ Ἰουλίου. Latin translation (M. H. Crawford): [- - -] *velitis iubeatis ut Marcus An*[*tonius - - -*] *sive quid pro eo sacerdotio* ? [*- - - flami*]*natum* ? *Divi Iulii*.

44 See M. H. Crawford in *RS*: 10.

45 *RS*: 493.

46 Dio Cass. 47.18-19.

47 Thus Weinstock 1971: 402; see also the significant remarks offered by Kirbihler 2016: 365-369; cf. Madsen 2016, 290-291. Price 1984: 76-77 argues for a date after the victory of Augustus, when the *princeps* established at Ephesus the cult of Roma and Julius Caesar (29 BC).

48 Mentioned in the following three inscriptions: *CIL* 1².2972 (Minturnae); *CIL* 6.872 = 6.31188 = *ILS* 73 (Ocriculum); *CIL* 9.5136 = *CIL* 1².798 = *ILS* 73a (Interamnia Praetuttiorum).

49 Jos. *AJ* 14.213-216.

gives the sender's name, is highly problematic, since it reads Ἰούλιος Γάϊος στρατηγὸς ὕπατος Ῥωμαίων. Unsurprising, some modern scholars have suggested that the magistrate was Caesar the Dictator. This identification, however, is undercut by the fact that further on in the same letter[50] Γάϊος Καῖσαρ is mentioned as a different person who is separate from the author of the letter. In 1998 Pucci Ben Zeev proposed to identify the sender as Octavian and dated the letter between 42 BC (after October 23) and 41 BC.[51] However, I agree with most modern scholars who have concluded that the text is corrupt, so that both the identity of the Roman official who wrote the letter (Caesar, Octavian or someone else?) and the date of the document remain uncertain.[52]

Several documents could be dated either to the Triumviral or to the Augustan period. A subscript to Samos, inscribed on the so-called "archive wall" at Aphrodisias, rejects the request for the status of a free city and expresses the wish to give ἐλευθερία only to Aphrodisians; in line 1 of this text, we find the title Αὔγουστος, which was possibly added when it was inscribed in the late second or early third century AD (Augustus was normally translated Σεβαστός): Αὐτοκράτωρ Καῖσαρ θεοῦ Ἰουλίου υἱὸς Αὔγουστος Σαμίοις ὑπὸ τὸ ἀξίωμα ὑπέγραψεν.[53] Hence, it follows that the original text gave no *cognomen*. Based on the reference to a wife, who must be Livia (line 5), married to Octavian in January 38 BC, J. Reynolds dates the subscript between 38 BC and the granting of freedom to Samos in 20-19 BC.[54] She further specifies that a date in the first half of 38 BC would be "very attractive" (in her opinion, the phrase ἐν τῷ πολέμῳ, "in the war," at line 3 applies to the war of Q. Labienus).[55] However, the reference to the community of Aphrodisias as having taken Octavian's side "in the war," the omission of the name of Plarasa from the beneficiaries[56] and finally the implication that the grant of *libertas* to the city was Octavian's to give suggest a date after Actium (plausibly 31 BC), when Octavian, who spent

50 Jos. *AJ* 14.215.

51 Pucci Ben Zeev 1998: 107-118 (text, translation, commentary and previous literature).

52 Cf. *ELM* II.1: 298-299; II.2: 344-346 (P. Servilius Isauricus?).

53 Reynolds 1982: 104-106, no.13; Oliver 1989: 25-26, no.1; *IAph2007*, 8.32; *IG* XII.6.1, 160. The normal Greek equivalent for *libellus* is ἀξίωμα; this act is a *subscriptio*, a reply written below it (thus Reynolds 1982: 105).

54 Dio Cass. 54.9.7.

55 Reynolds 1982: 104-105.

56 "During the reign of Augustus the name of Plarasa seems to have dropped from the city's title, leaving Aphrodisias alone" (Reynolds 1982: 108).

the winter on Samos, welcomed ambassadors and letters from a number of cities and undertook to reorganize the Greek East.[57]

A fragmentary letter found in modern Milas (ancient Mylasa),[58] which has a highly problematic text and was sent by an unidentified Roman magistrate to a third anonymous entity, can be dated after the Parthian invasion of 40-39 BC, since there is a reference to Q. Labienus at lines 9-10. In a recent essay, Canali De Rossi has argued that this letter was written by M. Antonius and sent either to the governor of Asia (possibly Munatius Plancus) or to a local agent, and not to the city of Mylasa.[59] According to Canali De Rossi, even though it is conventionally dated after Actium,[60] another letter[61] that was openly sent to Mylasa and written by Octavian in response to πρεσβευταί (ambassadors) actually predates M. Antonius' letter and can also be dated to 39 BC, right after the treaty of Misenum.[62] As a matter of fact, the letter from M. Antonius at line 12 alludes to financial measures taken by Octavian and therefore most likely follows the document sent by his colleague. If these conjectures are correct, we must add these two letters to the Triumviral dossier coming from the Greek East.

What conclusions could be reached from the analysis of all these Triumviral documents? First of all, their dates are significant. Most of the documents come from the years 41-39 BC. There is clearly a documentary vacuum[63] in the period of Antonius' effective government in the East, after his final departure from Italy in 37 BC (the pact of Tarentum).[64] This can be explained in several ways, which now ought to be investigated.

Cassius Dio reports that in 29 BC Octavian "announced that all the letters that had been found in Antonius' boxes had been burned,"[65] seeing that

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57 I follow here the remarks by Badian 1984: 165-168, but other scholars agree on a date after Actium: see Jones 2008: 110 for a recent discussion with previous literature.

58 *RDGE* no.59; *I. Stratonikeia* 1023 (partially); *I. Mylasa* 601.

59 Canali De Rossi 2000: 178-181; cf. Delrieux – Ferriès 2004.

60 Actually, the title ὕπατός τε τὸ τρίτον καθεσταμένος, *consul designatus tertium* at lines 2-3, gives a *terminus ante quem* before 31 BC.

61 *RDGE* no.60; *I. Mylasa* 602.

62 Canali De Rossi 2000: 172-178.

63 "Vuoto documentario" is the expression used by Mangiameli 2008-2009: 239 concerning Antonius' letters even for the period 41-40 BC.

64 The acts from the years 37-35 BC (edicts for Seleucus of Rhosos and the veterans, covering letter of the edict) are from Octavian and, in any case, come from Rome.

65 Dio Cass. 52.42.8: πάντα ἔφη τὰ γράμματα τὰ ἐν τοῖς κιβωτίοις αὐτοῦ εὑρεθέντα κατακεκαυκέναι. Κιβότια is the Greek translation of the Latin *scrinia* or *capsae* or *cistae*.

many of the senators that had been partisans of Antonius were still inclined to be suspicious of him. In spite of this, after this sentence the Greek Severan historian immediately adds: "And it is quite true that he had destroyed some of them, but he was very careful to keep the larger part, and afterwards he did not hesitate to make use of them, either."[66] This harsh act by Octavian must be coupled with the *damnatio memoriae* of the name of M. Antonius (and his relatives) decreed by the Senate a few months after Actium.[67] A large portion of the public record of M. Antonius was no doubt destroyed, but probably not all the archives of the Greek cities were affected by this central order, and, as we have seen in the case of Aphrodisias, Triumviral documents could turn up centuries later.

The years 41-39 BC include the period of important agreements between the two Triumvirs, and the period of the wars fought against the enemies of the new regime, Sextus Pompeius and Q. Labienus. Therefore, 39 BC must be considered a crucial year: according to Appian and Cassius Dio, in 39 BC the Triumvirs wanted to obtain senatorial ratification for all their *acta* (both *domi* and *in provincia*) up to that time.[68] And, as we have seen, a number of letters and *senatus consulta* were issued in that very year.[69] After the invasion of Labienus, M. Antonius and Octavian started to settle gradually the disordered affairs of the Eastern provinces affected by the wars. Such *senatus consulta* stabilized Roman relations with Eastern states and were issued for each community once and for all; that way, there was no need to renew them in the following years. Besides, resulting in a number of territorial redistributions,

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However, what is unclear is what Dio exactly meant with the term *grammata*: private letters or official documents?

66 Dio Cass. 52.42.8. On this paragraph see the lengthy discussion in Delle Donne 2006.

67 Dio Cass. 51.19.3, with other evidence in Reinhold 1988: 146-147. For an example of the erasure of Antonius' name see above on the so-called *lex Fonteia*.

68 App. *B Civ.* 5.318 (after Misenum): καὶ αὐτῷ τῆς βουλῆς ψηφισαμένης εἶναι κύρια, ὅσα ἔπραξέ τε καὶ πράξει, αὖθις στρατηγοὺς πανταχῇ περιέπεμπε… ("the Senate having voted to ratify all that he had done or should do, he [Antony] again dispatched his lieutenants in all directions…"); Dio Cass. 48.34.1: τά τε ὑπὸ τῶν τριῶν ἀνδρῶν πραχθέντα ἀφ᾽οὗ ἐς τὴν ὀλιγαρχίαν ἐσῆλθον κῦρος παρὰ τῆς βουλῆς ἔλαβε ("the acts of the Triumvirs from the time they had formed their oligarchy received ratification at the hands of the Senate"). See Laffi 1993: 48.

69 Appian' phrase cited in the previous note resembles the senatorial confirmation of the privileges granted or to be granted to Aphrodisias by the Triumvirs (see above note 41); the similarity is striking.

the new order established by M. Antonius in Eastern dominions was firm, lasting and, we must say, sagacious. Less territory was put under direct rule than at any time since the conquests of Pompeius Magnus, and the Triumvir also delegated his "provincial" powers to governors such as Plancus.[70]

Another feature of this Triumviral dossier that deserves to be emphasized is the implication of acceptance (by Antonius and by contemporary scholars, with few exceptions) that Octavian had the right to make formal interventions in M. Antonius' area, as is proven by his correspondence with Plarasa/Aphrodisias, Ephesus, Rhosos and possibly Mylasa and Samos.[71] In other words, most scholars assume that Octavian's letters are evidence that his relationships with cities in the Greek East were not confined to the special case of Aphrodisias.[72]

In the letter to Ephesus the most striking feature is that Octavian writes that he has given his colleague M. Antonius ἐντολαί to repair the damage. Reynolds sees in the letter "a suggestion of his [Octavian's] superior or more active benevolence."[73] I do not think that this is a plausible interpretation. Ἐντολαί may translate *mandata* in the sense of a commission, and hence may be less dramatic than it appears at first sight. Moreover, it is clear that the obligation is limited to Aphrodisias; indeed, the last sentence of the letter explains Octavian's special relationship with Aphrodisias and his unavoidable obligation of patronage.[74] As we have already seen, the uniqueness of Aphrodisias' position as an enclave for Octavian within M. Antonius' sphere, owing to patronage inherited from the Dictator, is clearly stressed in Octavian's letter to Stephanus: "This one city I have taken for my own out of all Asia."[75] Actually, the letter to Ephesus shows how carefully Octavian was to avoid any

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70 App. *B Civ.* 5.599 (35 BC): καὶ νομίζουσιν ἄρχοντα Συρίας καὶ ταῖς ἐπιστολαῖς ἐπιτετραμμένον ἐς τὰ ἐπείγοντα ἐπιγράφειν τὸν Ἀντώνιον καὶ τῇ σφραγῖδι χρῆσθαι ("they think that [Plancus], while governing Syria, was authorized by letters to sign Antony's name in cases of urgency and to use his seal"). Millar 1973: 57 notes that "we see the machinery of the *res publica* at work, and in the area 'controlled' by Antonius."

71 Reynolds 1982: 39.

72 Millar 1973: 57. Cf. also the discussion in Orth 1984.

73 Reynolds 1982: 102.

74 Reynolds 1982, no.12, lines 19-20: "For concerning the Aphrodisians, upon whom I have conferred such great benefits, it is necessary (*necesse est*) that I should take the care about which I think you too have heard" (Reynolds' translation). I follow here the remarks in Badian 1984: 163-164.

75 See note 28 above.

appearance of giving offence: the adoptive son of Caesar takes great care to stress that he is not arbitrarily interfering in M. Antonius' political sphere and has no intention of extending such intervention beyond this unique case.[76] Octavian has recommended his city to Antonius and, had Antonius been present, would presumably not need to write this letter. There may even be an implication that Antonius had approved or authorised the letter, for relations between the two dynasts were still good at this point.

It is likely that Antonius did not greatly care about Octavian's relationship with Aphrodisias, which at the time was a small city of no great fame in Asia Minor; furthermore, it is quite clear that Antonius had officially recognized Octavian's special connection with the city as well as the special rights regarding it (possibly in return for some benefits for himself?). However, since in the *sc.* concerning Plarasa/Aphrodisias of 39 BC at line 26 Antonius' name precedes Octavian's, it would perhaps be natural to assume that it was he who made the statement of their joint views, presumably because of his agreed responsibility for Asia. Besides, the reference to *beneficia* granted or to be granted by Antonius as well as Octavian to Aphrodisias (lines 48-51) shows that Antonius' views were also taken into account.

Most of these acts are sorts of responses to embassies and hence serve as covering letters sent by Octavian (the only Triumvir present in Rome), who enclosed documents taken from the urban archives. It was an inevitable product of the political situation that embassies and petitioners, who normally addressed the Senate, should also address themselves directly to the Triumvir present in Rome, since he was, together with the senators, the foremost representative of Roman power. What a diplomatic debacle it would have been if Eastern ambassadors did not consult Octavian while they were in Rome!

On the other hand, and to conclude, it is clear from our dossier of documents that the Triumvirs could administer the State by issuing edicts without directly involving the people and/or Senate. However, as several scholars have emphasized, the Triumvirs, *at least formally* (since arbitrary use of power was in their hands), operated within the framework of the *res publica*.[77] And in this respect, more significant is the fact that Marcus Antonius

76 I follow here the point made by Badian 1984: 158-159; cf. also Roddaz 1996: 92-93.

77 Millar 1973 and Laffi 1993. On the 'constitutional' powers of the Triumvirs, see Vervaet 2014: 239-252 and his essay in this volume.

continued to wish to have his Eastern decrees ratified in Rome, as Cassius Dio clearly attests for the year 34 BC with regard to the so-called Donations of Alexandria.[78] The Senate, *at least formally*, continued in M. Antonius' mind to be the centre of Rome's foreign policy.

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78 Dio Cass. 49.41.4 (34 BC): καὶ ταῦτα οὐκ ἐν τῇ Ἀλεξανδρείᾳ μόνον εἶπεν, ἀλλὰ καὶ ἐς τὴν Ῥώμην, ἵνα καὶ παρ' ἐκείνων τὸ κῦρος λάβῃ, ἐπέστειλεν ("not only did he [M. Antonius] say this in Alexandria, but he sent a despatch to Rome as well, in order that it might secure ratification also from the people there"). This was clearly a propaganda move, a well-studied issue which does not concern our study.

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ANTONIUS AND ATHENS

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> *something* must have happened, and happened *in a specific way*. All theory, all reconstruction, all probability, are as nothing as compared with *the simple physical truth of what actually happened at the time*. If only … if only, we say, we could see it all; see it all as it actually happened!
>
> (Colin Dexter, *The Wench is Dead*)

Athens, by the late first century, was no longer a city of military or economic consequence.[1] Cultural capital was a different matter, however, and Athens continued to preserve its traditional significance as a centre of Hellenic civilisation.[2] Furthermore, because it was host to a large community of Roman aristocrats and businessmen Athens offered practical attractions to anyone journeying east or west.[3] Which is why, in the aftermath of his victory at Philippi, Marcus Antonius elected to spend his first winter there. From Athens he could project his fresh identity as victor at Philippi to eastern provinces and principalities anxiously awaiting his delivery of the new dispensation – including the fresh financial exactions the collection of which constituted Antonius' crucial responsibility in the east. It was a momentous juncture, and Antonius selected a venerable and conspicuous stage on which to play it out.[4]

Our sole literary source is Plutarch, whose account, although artful, can only be deemed disappointing from a historian's perspective.[5] Indeed, all our

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1 Day 1942: 120-176; Larsen 1959: 422-435; Habicht 1997: 315-365.

2 Green 1990: 564-565; Gruen 1992: 223-271; Spawforth 2012: 59-81; Kralli 2016.

3 Errington 1988; Habicht 1997: 328-333. Parigi 2013 argues for a small Roman presence.

4 Wallmann 1989: 220-224; Keinast 1995: 193; Fontani 1999: 194; Halfmann 2011, 106.

5 Plut. *Ant.* 23.2-4.

literary sources for Antonius' relationship with Athens are so animated by moralism of various kinds that, in important ways, they can only mislead. And mislead they have done.[6] This paper represents something of a recovery operation. But its results can be no more than provisional, not least because, as it grinds its way along, it must often rely on ratiocination and, perhaps too often, imagination. Nevertheless, there is no alternative if we hope to retrieve something of Antonius' administration and profile in the east in the immediate aftermath of Philippi.

1. Biography and history

During the Triumvirate, Antonius visited Athens on at least five occasions. Our principal literary sources are Plutarch, Appian, and Dio.[7] Plutarch devotes more space to Antonius and Athens than do either Dio or Appian because, for the biographer, Athens constitutes an important structuring principle in his *Demetrius-Antonius*.[8] There Athens defines the high ground in the moral geography of Antonius' eastern realm. During his first visit to Athens (42/1), Antonius is an exemplary philhellene. When he departs for Asia, however, he is immediately corrupted: hailed as Dionysus, he succumbs to flattery and yields to his natural luxuriousness. It is in this louche Asian atmosphere that Antonius is ravished by Cleopatra.[9] Back in Athens in 39/8, Antonius again exhibits exemplary philhellenic behaviour, taking on the important liturgy of gymnasiarch and even dressing in Greek style. A simple shift eastwards, however, and again he becomes a lesser man: his military prowess is impaired and he is suspected of jealousy.[10] All comes right when Antonius returns to the

6 Modern discussions of 42/1 tend to recapitulate or abbreviate Plutarch's account: e.g. Drumann – Groebe 1899: 283; Rossi 1959: 107-108; Bengston 1977: 155-156; Huzar 1978: 149; Pelling 1988: 175-176; Kienast 1995: 193; Fontani 1999: 195; Habicht 1997: 360; Pasquali 2009: 145; Goldsworthy 2010: 262-263; Halfmann 2011: 105-106. This episode is omitted by Holmes 1928; Tarn 1935; Chamoux 1986.

7 42/1: Plut. *Ant.* 23.2-4. 40 (meeting with Fulvia and Julia): App. *B Civ.* 5.52-3; Dio Cass. 48.15.3-16.3. 39/8: Plut. *Ant.* 33.6-34.1; App. *B Civ.* 5.76; Dio Cass. 48.39.1-2. 38/7: Plut. *Ant.* 34.8 implies Antonius' return to Athens; Dio Cass. 49.22.3 sends Antonius directly from Samosata to Italy; Jos. *AJ* 14.447 sends Antonius to Egypt. 32: Plut. *Ant.* 57.2-5; Appian's account does not reach this point; Dio Cass. 50.15.2 mentions statues in Athens of Antonius and Cleopatra.

8 Pelling 1988: 208-209; 2002: 354.

9 Divine worship in Ephesus: Plut. *Ant.* 24.3. Ravished by Cleopatra: Plut. *Ant.* 26.5.

10 Plut. *Ant.* 34.2-7.

city: his noble generosity returns, and this section of the biography concludes by emphasising the Triumvir's *kleos*.

Plutarch's division between wholesome Athens and the baleful east is finally ruptured in 32, when Antonius brings Cleopatra into the city. The queen corrupts the people with lavish gifts, and the Athenians respond with flattery – in which Antonius, specifically designated 'a citizen of Athens', takes the leading part. He then divorces Octavia, and ruin follows. This is Antonius' final performance in Athens in Plutarch, and here the city has returned to the debased condition depicted earlier in this pairing in the *Demetrius*. In that Life, Plutarch expresses disgust at the obsequiousness of the Athenians when they celebrated Demetrius and Antigonus first as kings and saviour gods and, ultimately, with Dionysiac honours.[11] It was just this disgraceful toadyism, in the biographer's explicit judgement, that perverted Demetrius' character. Unlike Demetrius, Plutarch's Antonius benefitted from his relationship with Athens – until this salutary refuge was spoiled by Cleopatra. In the *Demetrius*, Athenian abasement corrupted the first of the great Hellenistic kings; in the *Antonius*, the last great Hellenistic monarch corrupts the Athenians, including Antonius, and reduces them once more to a condition of appalling abasement.

Plutarch's moralising design entails a high degree of selectivity, apparent to us even on the present condition of our evidence. We know, for instance, that in 39/8 Antonius declared himself the New Dionysus in Athens, an event celebrated in spectacular style, and he and Octavia were worshipped together as *theoi euergetai*.[12] There is nothing of this in Plutarch: religious flummery of that kind he locates only in the world of the *Demetrius* or, in the *Antonius*, in Asia. Selectivity of this kind, as we shall see, shapes his account of Antonius in 42/1.

For Appian and Dio, Antonius' first official visit to Athens is eclipsed by subsequent events: the Perusine War and the fresh Triumviral arrangements agreed at Brundisium. Consequently, their focus is on Antonius' and Octavia's arrival in Athens, when he is installed in the east as if something of a viceroy.

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11 *Dem*. 10-13. Plutarch's disapproval of divine honours, especially Dionysiac honours: Price 1984: 115-116. Plutarch's treatment of Demetrius' religious policies is highly complex: see Pelling forthcoming.

12 Divine honours for Antonius in 39/8: Dio Cass. 48.39.1-2; *Agora Inv*. I 3071; *IG* II^2 1043; Kroll nos.140, 141, 142; cf. Kroll 1993, 102-103; Rowan 2019, 102-104. Spectacular celebrations: Socrates of Rhodes, *BNJ* 192 F 2.

Appian's account of 39/8 is very close to Plutarch's – there is no New Dionysus, for instance – although his orientation is different. The two passages are clearly related, perhaps because each derives, ultimately, from the same source, or perhaps because Appian is adapting what he found in Plutarch.[13] After describing Antonius' preparations for his campaign against Parthia, Appian delivers him to Athens, where he becomes a changed man.[14] Like Plutarch's Antonius, Appian's dresses and dines like a Greek, and deports himself in a suitably Hellenic style. He is entirely devoted to Octavia, as he was in Plutarch's version. In short, as Appian explicitly puts it, Antonius spends this winter just as he had spent a previous winter with Cleopatra in Alexandria. *That* observation is very much un-Plutarchan. Nevertheless, in the universe of Appian's history, it is true: in Alexandria Antonius adopted admirable Greek manners, lived simply, attended lectures, and so forth; he was also wholly devoted to Cleopatra.[15] Now for Appian Alexandria is always a centre of true Hellenic culture and never a fleshpot or den of iniquity.[16] Still, Antonius' visit there was not entirely wholesome. Appian makes it clear that Cleopatra's influence over Antonius was a dangerous distraction which, in important ways, encouraged Parthian aggression.[17]

In light of that, what are we meant to make of Appian's version of Antonius' winter in 39/8? His account appears contrived to stimulate not outright disapproval perhaps but certainly anxiety. Antonius may act with decorum, but his inattention to his his Roman responsibilities is potentially dangerous. Still, with the coming of spring, so Appian tells us, Antonius recovered himself, donned the garb of a magistrate, and returned to his official duties. Like Plutarch's account, then, Appian's, at least in the end, furnishes a more or less positive depiction of Antonius.

Moralism of a different kind animates Dio's hostile account of Antonius' residence in Athens.[18] This Antonius remains preoccupied by desires of an

13 Plutarch, Appian, and Pollio: Gabba 1956: 225-228; Pelling 2002: 12-24. Views along these lines must now be somewhat qualified by Drummond 2013: 439-444 and Westall 2015. Appian a reader of Plutarch: Pelling 2002: 36 n.75; 2006. In addition to his historical researches, Plutarch was in a position to exploit Athenian oral traditions: Pelling 2002: 18-19.

14 Antonius' Parthian preparations before winter 39/8: App. *B Civ*. 5. 75.

15 Antonius in Alexandria: App. *B Civ*. 5.11.

16 Appian and Alexandria: Gowing 1992: 13-15; Boucher 2000: 444-446; Hidber 2004.

17 Cleopatra distracts: App. *B Civ*. 5.9. Parthians seize the moment: App. *B Civ*. 5.10.

18 Dio's more or less consistent hostility toward Antonius: Gowing 1992: 95-122.

unattractive nature and concentrates on injuring the cities of the Peloponnese in order to render them of little value to Sextus Pompey, an action that renders the Triumvir perfidious and a false philhellene. But the man is also un-Roman, and Dio cites, as an extreme example, his requirement that he be recognised as the New Dionysus. This enormity entrains the Athenians' disgraceful proposition that Antonius take the goddess Athena in sacred marriage, for which transaction Antonius extorts an obscenely large dowry. As for meeting his obligations as a Triumvir, Antonius will do no more than dispatch Publius Ventidius. The divergence of this account from Plutarch or Appian could hardly be greater. Here we find an easily recognisable pastiche of anti-Antonian topics, not all of which, however, are fantasies.[19] Antonius *was* declared New Dionysus; he *did* disagree with Sextus over their settlement of the Peloponnese; he *did* entrust Ventidius with a command against the Parthians.[20]

But let us return to Plutarch and Appian. It will be obvious how each, in his account of 39/8, elaborates his Antonius by way of a familiar trope: the codeswitching Roman general who, in his leisure, exchanges his native manners for unpretentious Greek costume and customs. The most familiar instances of this set piece are Scipio Africanus in Sicily and Aemilius Paullus after his victory at Pydna.[21] The fundamental historicity of these episodes is certain. In Scipio's case his Hellenising behaviour, edgy in its time, was weaponised against him by his enemies. Perhaps that was true also of Aemilius Paullus, although nothing along these lines is cited in the abuse attending the debate over his triumph. Livy's treatment of Paullus' eastern festivities, because it is borrowed from Polybius, is naturally favourable. For later writers like Plutarch or Appian, however, the ambiguity inherent in this trope subsisted

19 Dio recycles anti-Antonian polemic: Antonius cheats Sextus (*De vir. ill*. 84.4; cf. Gabba 1970: 133; Borgies 2016, 180-182); Ventidius' virtue versus Antonius' indolence (Plut. *Ant*. 34.2-7; Dio Cass. 49.21.1-22.6; cf. Reinhold 1988: 49-50; Pelling 1988: 231; Wallmann 1989: 234-238).

20 Antonius' marriage with Athena, by contrast, is a fiction (Tarn 1934: 54; Nock 1972: 204; Habicht 1997): if the story did not emerge in Augustan declamation (Sen. *Suas*. 1.7; cf. Roller 1997) it was confected during the Triumviral period from earlier moralising that represented marriage with Athena as an expression of *hybris* (e.g. Theopomp. *BNJ* 115 F31; Rhianus, fr. 1 (Powell)) and the application of that moralising trope to Demetrius (Clem. Al. *Protr*. 4.54; cf. Plut. *Dem*. 26.5; Mastrocinque, 1979, 265; a different view is taken by O'Sullivan 2008).

21 Scipio: Liv. 29.19.10-13; cf. Plut. *Cat. Mai*. 3.6. Aemilius Paullus: Polyb. 30.14; Liv. 45.32.8-11; Plut. *Aem*. 28.3-5; cf. (e.g.) Gruen 1992: 223-271; Wallace-Hadrill 2008: 48-54, 184-190.

and could be put to work to differing purposes by each of them. Appian's codeswitching Antonius incites anxiety. Plutarch's does not. Now there is no reason to doubt either writer's insistence that Antonius' philhellenism was on display in Athens. At the same time, it appears clear enough that both authors exaggerated this dimension of Antonius' Attic sojourn in order to fashion an Antonius suitable to their literary designs. Plutarch's Antonius of 42/1, as we shall see, is not quite the same codeswitching figure. His pastimes are Greek, to be sure, but, although the point is not emphasised – far from it –, he is nonetheless depicted carrying out his duties as Triumvir.

2. The road to Athens

The immediate context of Antonius' first official visit to Athens is important. From Philippi Antonius made his way in stages. First he travelled with Octavian to Thessalonica, although no literary source mentions it. This city had stoutly resisted the regime of Brutus and Cassius, and such loyalty could hardly go unacknowledged.[22] The city was in any case on their way. It is evident, on the basis of numismatic evidence, that the Triumvirs were lavishly welcomed. Coins were minted celebrating the city's freedom, and their liberators were honoured with games.[23] The Triumvirs then proceeded to Pella, another city which issued coins commemorating freedom regained.[24] Here, too, there will have been celebrations. At this point Antonius turned south, marching towards Athens. What other cities Antonius called in on as he made his way we do not know.

It is very likely that he visited Delphi. It was an important, symbolic stop. Indeed, it was an extension of the Triumvirs' conflict with Brutus and Cassius. During the recent conflict in the east, the Liberators had claimed the patronage of Apollo through allusions to Delphi, signalised by a tripod, an unmistakeable

22 Plut. *Brut*. 46.1; App. *B Civ*. 4.118.

23 *RPC* nos.1551, 1552 (games), 1553, each coin honouring both Antonius and Octavian. *RPC* prefers a date of 37 for these coins (followed by Papazoglou 1979: 328; Papazoglou 1988: 206-207; Voutiras 2011: 46): two issues exhibit an E which, it is argued, indicates the fifth year of the city's Antonian era (three undatable Thessalonian inscriptions confirm an Antonian era: *IG* X,2.1.83, 109, 124); but there is no reason to assume the city commenced an Antonian era before Antonius returned to the east as its permanent viceroy in 39; the time to celebrate both Triumvirs was immediately after Philippi. Perhaps the E indicates *eleutheria* (cf. Papazoglou 1988: 206; Voutiras 2011: 459 and 461).

24 *RPC* nos.1545 and 1546.

icon of the oracle.[25] In reaction, even before departing Italy, Antonius vowed in the senate that in victory he would restore Apollo's damaged temple, and at Philippi *Apollo* was the Triumvirs' watchword.[26] The victor at Philippi, then, could hardly fail to visit. Plutarch records Antonius' welcome promise to repair the temple. He of course knew that Antonius never kept this promise, but declined to say so.

3. Antonius in Athens

These stages were all merely a prelude to Antonius' winter in Athens. This city, unlike Thessalonica, had not stoutly resisted the Liberators. Quite the contrary. Brutus and Cassius and the cause they stood for had been honoured by the city when bronze statues of the pair were placed alongside those of Harmodius and Aristogeiton.[27] On Delos, too, the Athenian community paid its respects to Brutus, 'the divine Caepio'.[28] After the defeat of the Liberators, then, the city's position could only be described as compromised. But there was no appetite for punishing Athens, a determination doubtless revealed early on after the Triumvirs' victory. Which meant that Athens, like Pella and Thessalonica, could seize the moment of Antonius' visit to celebrate its regained freedom.

That, however, is not the story Plutarch tells us:

> … Ἀντώνιος δὲ τὰς πρὸς ἕω πάσας ἐπαρχίας ἀργυρολογήσων διέβαινεν εἰς τὴν Ἑλλάδα, πολλὴν στρατιὰν ἄγων· ὑπεσχημένοι γὰρ ἑκάστῳ στρατιώτῃ δραχμὰς πεντακισχιλίας ἐδέοντο συντονωτέρου χρηματισμοῦ καὶ δασμολογίας. (2) τοῖς μὲν οὖν Ἕλλησιν οὐκ ἄτοπος οὐδὲ φορτικὸς συνηνέχθη τό γε πρῶτον, ἀλλὰ καὶ τὸ παῖζον αὐτοῦ πρὸς ἀκροάσεις φιλολόγων καὶ θεας ἀγώνων καὶ μυήσεις ἔτρεπε, καὶ περὶ τὰς

25 Moles 1983; Gosling 1986 (L. Brutus (cos. 509) was inspired to free the republic by the oracle at Delphi: Liv. 1.56.7-12; Dion. Hal. 4.69.2-4). Coins exhibiting the tripod and cauldron: *RRC* 498, 499, 500, 502; cf. Hollstein 1994; Rowan 2019: 66-71.

26 Antonius' promise: Plut. *Ant*. 23.4. Apollo as watchword: employed by the Liberators before the first battle at Philippi (Dio Cass. 47.43.1); employed by Brutus before the second battle (Plut. *Brut*. 24.7); employed by Antonius and Octavian (Val. Max. 1.5.7); Moles 1983: 250-251 makes a strong argument for preferring Valerius Maximus (followed by Hollstein 1994: 129).

27 Dio Cass. 47.20.4. Brutus and Cassius in Athens: *MRR* 2:321-2; Habicht 1997: 356-359; Tempest 2017: 144-159.

28 τὸν θεῖον Καιπίωνος: *I. Délos* 1622, a dedication to Apollo by the *demos* of the Athenians and the inhabitants of Delos.

> κρίσεις ἦν ἐπιεικής, καὶ φιλέλλην ἀκούων ἔχαιρεν, ἔτι δὲ μᾶλλον φιλαθήναιος προσαγορευόμενος, καὶ τῇ πόλει πλείστας δωρεὰς ἔδωκε. … (4) πρὸς δὲ καὶ τὸν τοῦ Πυθίου νεὼν κατεμέτρησεν ὡς συντελέσων· τοῦτο γὰρ ὑπέσχετο πρὸς τὴν σύγκλητον. (Plut. *Ant.* 23.1-4).
>
> Antonius now marched across Greece with a large arm to levy money for all the eastern provinces. The Triumvirs had promised each of their soldiers a bounty of 5,000 drachmas, and so they now found themselves obliged to adopt a harsher policy both in imposing taxes and collecting tribute. In his dealings with the Greeks, Antonius' behaviour was moderate and courteous, at least in the beginning, and for his entertainment he was content to listen to the discussions of scholars, attend the games of the goddess, and be initiated into the mysteries. He was fair in his administration of justice, and took pleasure in being addressed as a lover of Greece, and still more as a lover of Athens: he showered gifts upon that city. … He also had the Temple of Pythian Apollo surveyed so as to complete it: he indeed gave a promise to this effect in the senate. (Pelling 2010: 346, slightly adapted)

Plutarch by no means ignores the harshness associated with Antonius' Triumviral mission in the east, nor the Roman's formidable resources for carrying it out. And although he will not elaborate the absolute political authority possessed by Antonius, it is implicit in his portrayal of the man's reasonableness in rendering judgments in the city.[29] So, too, in his capacity for showering gifts upon the Athenians. Plutarch's expression for this, δωρεὰς ἔδωκε, commonly attested in imperial Greek, routinely indicates benefactions by the great and the good. It is perhaps relevant that on Hellenistic inscriptions this formula conveyed regal generosity, and it persisted in the recording of imperial benefactions.[30] In Plutarch's telling, then, Antonius is, unmistakeably if obliquely, the master of the city of Athens. And he remains busy in carrying out his administrative responsibilities, even if this dutifulness is depicted in such a way as to emphasise his personal not his official qualities. Plutarch's focus, it is clear, rests on Antonius' wholesome relationship with Greece by way of his fondness for Athens and on his sound and conventional Greek pastimes.

Although Plutarch eschews particulars, the most obvious benefaction rendered by Antonius will have been his (unattested but absolutely certain) declaration that Athens should remain a city free and allied to Rome. In the next year, moreover, Antonius made significant grants to Athens. Although

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29 On the importance in Plutarch of ἐπιείκεια as a characteristic of the best kind of statesman, see Duff 1999: 93, 114, 139.

30 Regal generosity: e.g. *IG* XII, 5 625; *FD* III 3.261; imperial benefactions: *FdXanthos* VII 67.

the city failed to gain possession of Tenos, which Antonius allocated to Rhodes, it acquired the islands of Aegina, Ceus, Icus, Sciathus, and Peparethus, the latter two withdrawn by Antonius from Thasos.[31] It may be that Plutarch has these assignments in mind here. Narrative displacement of this kind is never out of the question in Plutarchan biography when it enhances the characterisation of his subjects,[32] and it is clear, as we have seen, that Plutarch wants to limit Antonius' best behaviour to Athens and not let it spill into Asia Minor, which means he could hardly allow himself to record these benefactions when Antonius was in Ephesus. Here, however, Plutarch has expressed himself in language that suggests gifts of a different nature from the dispensations decided at Ephesus, which were clearly the result of detailed negotiations between the Triumvir and multiple Greek states: in Athens, Antonius' liberality is the personal generosity of a grandee or a king, not a reallocation determined by a magistrate. The grandeur of the Triumvir, in Plutarch's account, is underplayed in the biographer's highly favourable account of Antonius' light Attic touch.

But Antonius in Athens was a very busy man. He was, after all, responsible for restoring the geopolitical health of the east even as he bled the region of the wealth necessary to satisfy Rome's soldiers.[33] For this reason, Athens became the focus of all political attention, and Antonius will have been deluged by correspondence and emissaries endeavouring to secure the best possible terms in the new world order. Not only statesmen and ambassadors clamoured for the Triumvir's attention. The exactions which Antonius would soon impose on already overtaxed cities will in most cases only have been met by way of fresh loans, a state of affairs inviting investment on the part of Roman and perhaps also eastern financiers.[34] Old loans, too, arranged under

31 Antonius' grants to Athens: App. *B Civ*. 5.30. Athens fails to acquire Tenos: App. *B Civ*. 7. Antonius took from Thasos islands previously granted by Sulla and senatorial decree: *RDGE* 20 and 21.

32 Pelling 2002: 92-94.

33 Vell. Pat. 2.74.1; Suet. *Aug*. 13.3; App. *B Civ.* 5.3; 5.12; Dio Cass. 48.1.2-2.2; cf. Halfmann 2011: 104-105.

34 Roman exactions and provincial loans: Badian 1972, esp. 67-81; Lintott 1993, 86-96; Cottier *et al*. 2008; Kay 2014, 59-83. Roman finances and regional elites: Badian 1972, esp. 105-106; 113-114; Brunt 1990, 354-432; Andreau 1999, 9-29; Schulz 1997, 197-199; 239-246; Ando 2000, 58-62; Fournier 2010, 314-323; Kay 2014, 235-264; Morrell 2017, 153-176. Existing financial arrangements were, even during the republic, contingent on the cooperation of the provincial governor: Cic. *Att*. 6.1.2; 6.2.5.

the regime of Brutus and Cassius and for that reason perhaps suspect, will also have required validation or cancellation by the Triumvir. These were matters of immediate and international significance, all of which furnished Antonius with opportunities for expanding his patronage and his fame abroad and for deepening his influence in Roman circles. Plutarch, as we have seen, does not ignore this reality. But he is disinclined to recognise its importance for appreciating the significance of Antonius' presence in Athens. Nor, in his account and for reasons we have observed, does he concede any agency to the Athenians in cultivating their new master or in projecting to the wider world the special place of Athens in the Triumviral age.

4. Antonius and the Athenians

And yet the Athenians were obliged to react to Antonius' victory and his decision to winter in Athens. Plutarch, as we have seen, says nothing about anything the Athenians may have done in the way of congratulatory spectacle or divine honours for Antonius. Still, it is hard to imagine how the city that was not too shy to denominate Brutus divine and accord him and Cassius legendary honours could neglect to pay its respect to the man who vanquished them. Failure to do so would have been remarkable, not least because, already during the republic, such gestures had become routine.[35] Antonius' arrival was too important not to be punctuated by grand ceremonies, and not only for the sake of the Triumvir. Greek cities in the Hellenistic period were deeply interconnected and therefore keenly competitive in the international contest for prestige.[36] After games and festivities in honour of the Triumvirs in Thessalonica and Pella, Athens could hardly have neglected these brands of flummery: its reputation was at stake.

Nor could Antonius refuse such honours, even if Plutarch finds them distasteful. By the first century negotiating political power through an exchange of dignified and respectful gestures was conventional stuff and, for all parties involved, more or less an obligation. Because it helped to establish a comprehensible and courteous relationship between ruler and ruled, such

35 Cic. *Q. Fr.* 1.1.26; *Att.* 5.21.7; Suet. *Aug.* 52.1. Evidence is assembled by Cerfaux – Tondrian 1957: 279-285; Bowersock 1965: 150-151; Tuchelt 1979: 45-118; Price 1884: 42-43; Frija 2017.

36 Chaniotis 1995; Ma 2003; van Nijf 2013; Daubner 2018.

ceremonies remained an important element in sound government. This was the case not merely for kings but also Roman governors – and was certainly the case for Antonius, whose authority was nothing short of awesome from any Greek perspective.[37] Which is why Plutarch's depiction of Antonius as a grandee who ignores all ceremony and spectacle, preferring to behave unpretentiously, is no less astonishing than Dio's report of an Antonius hankering after Athena's ample dowry. A figure of Antonius' stature eschewing all pageantry would have been an aberration so extreme that it could only flummox and consequently disconcert not only the Athenians but their international audience. In practical terms, Antonius, as Plutarch portrays him, would have begun his eastern circuit disastrously for all concerned.

So we must try to fill in the gaps. Antonius' advent, for instance. Our sources furnish us a wide inventory of ceremonial gestures appropriate for welcoming a distinguished guest, and, although it is going too far to postulate a well-defined protocol, it is reasonably clear that visits to Athens by kings or Roman officials were routinely greeted by receptions, processions, the opening of temples and sanctuaries, sacrifices, banquets, and an invitation to address the citizenry. Further honours were also possible, including sacred ones.[38] Antonius' introduction to the city will not have fallen short of this standard, and it will have been on this occasion that he declared the city's freedom and made clear his beneficent intentions. Athenian gratitude, in the nature of things, could not fail to ensue.

We possess tangible evidence of this gratitude. Six issues of Athenian bronze coinage can safely be assigned to the period between Philippi and Actium, and two of them are pertinent to Antonius' arrival.[39] On the earliest of these, Kroll no.137, we find the head of Athena Parthenos on the obverse and on the reverse Fulminating Zeus, a figure who by this time was readily viewed in Athens as a reference to Zeus Eleutherios.[40] This coin, then,

37 Hellenistic ruler cult and its Roman applications: e.g. Price 1984; Smith 1988; Chaniotis 2003.

38 Evidence assembled and discussed by Robert 1984: 472-89; Le Guen 2006; Perrin-Saminadayar 2004; 2009. Formal receptions by (i.a.) ephebes granted to Roman officials, designated 'friends and benefactors' or 'friends and allies': *IG*^{2} 1006.21 (122/1 BC); 1008.13 (118/7 BC); 1011.18-19 (106/5 BC); 1028.14-15 (100/99 BC); 1029.10 (94/3 BC); 1030.12 (94/3 BC).

39 Kroll 1993: 84-87.

40 Kroll 1993: 57-58.

commemorates the city's freedom. More interesting is Kroll no.138. On the reverse of this coin we find a tripod, clearly the Pythian tripod and equally clearly an allusion to Antonius' generosity to Delphi.

It is possible to view this coin as an Athenian acknowledgement of the Triumvirs' superior claim to be champions of liberty. At the same time, and perhaps more naturally in Athens, one detects in the tripod a reference to Heracles, his contest with Apollo over the tripod, and his alliance in this contest with Athena. Antonius' legendary descent from Hercules was familiar enough and was advertised at the formation of the Triumvirate by minting gold coins that conjoined the Triumvir with the hero.[41] In this issue of coinage, it appears, the Athenians take up the the Triumvirs' anti-Liberator symbolism but put it to work both in emphasising Antonius' Heraclean distinctiveness but also in underlining how Antonius' distinctiveness signals his naturally close relationship with Athens. Plutarch, of course, neglects the Athenians' commemoration of Antonius' Heraclean nature. But that they did so is undeniable, and their strategy in doing so seems reasonably clear.

5. Antonius and the Athenians – reading Plutarch speculatively

Plutarch was aware of the realities of Antonius' experience in Athens and, although he is selective, he does not, as we have seen, erase from his account every element of the Triumvir's official residence. His respect for historical truth is too serious for that, even if it must be refracted by way of his higher calling to recover the moral truth of his subject's character.[42] With that in mind, a close and careful - and speculative – scrutiny of Plutarch's concise rehearsal of Antonius' Athenian pastimes may repay the effort. One sentence will occupy our attention:

> τὸ παῖζον αὐτοῦ πρὸς ἀκροάσεις φιλολόγων καὶ θέας ἀγώνων καὶ μυήσεις ἔτρεπε (*Ant*. 23.2)
>
> …for his entertainment he was content to listen to the discussions of scholars, attend the games of the goddess, and be initiated into the mysteries.

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41 Heracles and the tripod: Woodford – Boardman 1990. Heracles and Athena: Boardman 1990. Antonius and Heracles: Plut. *Ant*. 4.2; cf. 36.7; 60.5; cf. Michel 1967: 114-129; Smith 1988: 137; Huttner 1995. Antonius and Hercules: *RRC* 494.2a and 2b (gold coins minted at the commencement of the Triumvirate).

42 Moles 1988; 32-45; Pelling 2002: 143-170.

The immediate impression is a highly conventional one. These are activities one might well expect of any philhellenic Roman visiting Athens. But can we push Plutarch's account further than perhaps he truly wished us to do? The presence of lectures in this catalogue presents us with no difficulties and we need say no more about it. Antonius' other diversions, however, his attendance at games and mysteries, must detain us. One feels that Plutarch's sense here should be clear: the games of the goddess must be the Panathenaea.[43] As for the mysteries, in the case of a Roman visitor one naturally recognises a reference to the Eleusinian Mysteries.[44]

But a simple take on this Plutarchan line will not work. Let us begin with the mysteries. Plutarch cannot mean the Eleusinian Mysteries, which were held in the month of Boedromion, too late for Antonius to be initiated.[45] The Athenians were never too shy to refuse Roman requests to repeat or reschedule these rites.[46] And it is unthinkable that Antonius reprised the outrageous behaviour of Demetrius Poliorcetes, whose demand that the Athenians reconfigure their sacred calendar in order to permit his immediate and untimely initiation remained notorious.[47] That, one feels, was an action later polemicists could hardly fail to preserve. If Antonius was ever initiated into the Eleusinian Mysteries, it took place in 39 (that appears to be the only possible year in which he was in Athens at the right time), and it is just possible Plutarch has that in mind: as we have seen, he often introduces chronological shifts when it aids him in characterisation. Perhaps here we find an instance of narrative displacement.

Or perhaps not. Plutarch may have in mind the Lesser Mysteries, celebrated in spring, in Anthesterion when Antonius was still in residence.[48] Anything like certainty is of course impossible, but an elaboration of this surmise makes it clear that this festival offered Antonius and his Athenian hosts a welcome opportunity to celebrate this Triumvir's distinctiveness and

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43 So (e.g.) Tarn 1934: 52; Raubitschek 1946; Pélékidis 1962: 255; Kienast 1995: 194-195; Habicht 1997: 362.

44 So (e.g.) Bengston 1977: 155-156; Pelling 1988: 176; Kienast 1995: 193; Habicht 1997: 360.

45 Date: Mikalson 1975: 54-61. Too late for Antonius: Clinton 1989: 1506. On the Eleusinian Mysteries, see Parker 2005: 342-363, assembling sources and secondary literature.

46 Cic. *De or.* 3.75.

47 Plut. *Dem.* 26.

48 Date: Mikalson 1975: 120-122. On the Lesser Mysteries, see Parker 1996: 188-191; Parker 2005: 341-345, each assembling sources and scholarship.

his fondness for the city and its traditions. Antonius may have known that an aspirant to the Eleusinian Mysteries ought first to pass through the Lesser ones. This was no longer obligatory by late first century, certainly not for foreign dignitaries,[49] but it was the old custom, and Antonius' observation of it furnished the Triumvir with an opportunity to display his veneration of the city's traditional religious proprieties.

But there will have been more to Antonius' initiation than that. The Lesser Mysteries, at least in some versions of their origins, were founded in order to purify Heracles and lead him on to his initiation at Eleusis.[50] The celebration of these rites by Antonius allowed him to re-enact a sacred episode underscoring his Heraclean heritage. In this way, the Lesser Mysteries furnished the solemn means by which a powerful foreigner, Heracles or Antonius, was successfully integrated into the religious fabric of Athens. The political fabric too: associated with Heracles' initiation was the tradition that he had become an Athenian citizen, a mythological identity profitably deployed in fourth century Greek diplomacy.[51] It is clear that by 32 and very probably by 39, when he held the office of gymnasiarch, Antonius possessed Athenian citizenship. It was a possession he may have acquired soon after Philippi. At the very least, the mythological background of the Lesser Mysteries helped the Athenians in establishing a relationship of *syngeneia* between themselves and Antonius – always a valuable commodity.[52] In any case, through his observation of the Lesser Mysteries Antonius not only identified himself with the hero from whom he claimed descent but also registered his deeply respectful, deeply Hellenic, relationship with the city.

Before his arrival in Athens, Antonius was probably ignorant of the Heraclean element in the Athenians' Lesser Mysteries: his initiation, then, if it took place, must derive from consultation and cooperation between the Triumvir and a city very keen to celebrate its new master in a novel and distinctive manner. This collaboration could only have been a highly productive one. Any evocation of Heracles inevitably conjured something of

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49 Clinton 1989: 1502-1503.

50 Apollod. *Bibl*. 2.5.12; Diod. Sic. 14.14.2; Plut. *Thes*. 30.5; cf. Parker 1996: 98-100.

51 Plut. *Thes*. 33.2. Fourth century diplomatic deployment of Heracles' citizenship: Parker 1999: 226-227 assembles the evidence.

52 Elwyn 1993; Lücke 2000; Erskine 2003; Papazarkadas – Thonemann 2008. Antonius will later put his Heraclean identity to work in establishing ties of *syngeneia* with Ptolemaic Egypt: Huttner 1995: 108.

a sense of Alexander the Great and certainly instilled an awareness of regal authority, always very useful dispositions in defining the dignified parts of imperial power in the east.[53] For the Athenians, it would have been important and even elevating that it was Attic ritual that was constitutive of the Triumvir's heroic image in the east.

We turn now to Plutarch's 'games of the goddess'. This expression has suggested to some that Plutarch has in mind the Panathenaea, but that festival took place in Hekatombaion, a time when Antonius once again was not in Athens.[54] Nor was he present for the Eleusinia, which included games in honour of Demeter: this celebration was held in Metageitnion.[55] There were other occasions in the Athenian calendar for games, but none (known to us) associated with Athena or Demeter – or any other goddess.

Which means that, if Antonius attended games, these games were somehow extraordinary in nature, which in turn invites the conclusion that they were games the purpose of which was to celebrate Antonius' beneficent presence in the city. Now it is hardly surprising that the Athenians should want to put on games in honour of their powerful Roman guest. Such celebrations were hardly novel: Sulla's games are an obvious but by no means the only precedent, and, as we have seen, Thessalonica had put on games for Antonius and Octavian, an occasion the Athenians could hardly ignore.[56]

Still, the question remains. What games? How did the Athenians conjoin games in honour of Antonius and 'the goddess'? Presumably these games were held in spring and not in the dead of winter, and so we should perhaps look to that season. In which case the simplest surmise is that Antonius' games were held on a festival day devoted to a particular goddess: the third day of every month, for instance, was sacred to Athena.

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53 Michel 1967; Smith 1988: 40; Huttner 1995: 108; Muccioli 2013: 48-50.

54 Mikalson 1975: 34; cf. Parker 2005: 253-269.

55 Mikalson 1975: 46; cf. Parker 2005: 328-329.

56 Games for Roman officials: Syracusan games in honour of M. Claudius Marcellus (cos. I 222: Cic. *Verr*. 2.2.51, 154; Plut. *Marc*. 32; for Flamininus (cos. 198): Plut. *Flam*. 15-16; *Syll*.^{3} 592. 11; in 117 Lete in Macedonia celebrated games in honour of the quaestor M. Annius (otherwise unknown): *Syll*.^{3} 700; games in 97 for Q. Mucius Scaevola (cos. 95): *OGIS* 437-439; Cic. *Verr*. 2.2.51; *Div*. 757; Ps.-Asc. 202 and 262 St.; games in honour of Lucullus: Plut. *Luc*. 23.2; games for Sulla: *IG*^{2} 1039. 57; *SEG* 22.110. 57; *SEG* 13.279; Price 1984: 42-46.

But let us not overlook an even more speculative possibility. We know that in 39/8 the Athenians celebrated games, called (almost certainly) the Panathenaic Antoneia, because these games are cited, among others, in an ephebic decree of the subsequent year.[57] Two lines are pertinent to Antonius and his games:

> [καὶ διηγωνίσθαι ἐν τοῖς] ἀγῶσιν ἐν τε τοῖς Θησιήο[ις καὶ Ἐπιταφίοις ὁμοὲ]ως δε κ[α]ὶ ἐν τοῖς Ἀντωνήοις τοῖς Πανα-
>
> [θηναικοῖς Ἀντω]νίου θεοῦ νέου Διονύσο[υ - - - -]ου Ἀνθεστηριῶνος τῇ ἑπτακαιδεκάτῃ (*IG* II^2 1043.22-3).
>
> [and he competed in the] games both at the Thesei[a and at the Epitaphios] as well as the Pan[athenaic] Antoneia of the god Antonius, New Dionysus, […] on the seventeenth of Anthesterion.

Although early on it was suggested that Antonius' games absorbed or augmented the Panathenaea itself (and for this reason the inscription was sometimes restored to read *Panathenaea of Antonius*: Παναθηναίοις Ἀντωνίου), there is clearly no good reason to take this view inasmuch as the Antoneia was held not in Hekatombaion but in the spring on the seventeenth of Anthesterion, a different month from the Panathenaea.[58] An awareness of this difficulty has prompted the suggestion that in 39/8 the Panathenaea, for Antonius' sake, was celebrated in spring – a proposal based on an alleged imperial habit whereby the Panathenaea was sometimes held in that season. Two pieces of evidence can be adduced for this, but only one is valid and it pertains to the Panathenaea in the fourth century of our era, too late to matter to us here.[59] In sum, then, there is no reason to connect the Antoneia with the Panathenaea. Still, the Antoneia, it is clear, was a festival that, in some way celebrated both Athena and Antonius.

Now the Antoneia certainly took place in 39/8. Does this mean that in our Plutarchan passage we have a clear specimen of narrative dislocation which also strips away all suggestion of a Dionysiac Antonius? Possibly. But

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57 Raubitschek 1946: 148-149; Kirchner 1948: plate 43; Pélékidis 1962: 255: Habicht 1997: 362. The dating of this inscription relies on the chronology established by Dinsmoor 1931.

58 Raubitschek 1946: 149 insists that the inscription's reference to Anthesterion is unrelated to the Antoneia, but the lacuna separating them appears too narrow for the introduction of a new event.

59 Kienast 1995: 194-195, adducing *Ciris* 25 (but see Lyne 1978: 112, who explains the passage very differently) and Himerius *Orat*. 3 (on which see Panella 2007: 253-255).

perhaps instead of detecting Plutarchan dislocation we should consider the possibility that the Antoneia was not celebrated for the first time in 39/8.

Because in our inscription Antonius is denominated the New Dionysus, an identification he assumed in Athens only in 39/8, modern scholars assume the Antoneia was inaugurated in that year in celebration of the new god. But this conclusion, although possible, is not inevitable. If, after all, the Antoneia existed before Antonius became the New Dionysus, it was only natural that, after his assumption of this identity, references to him in any formal Attic inscription would include it. In other words, nothing in our inscription requires the idea that the invention of the Antoneia was tethered to the manifestation of the New Dionysus. Perhaps, then, the games referred to by Plutarch were the Antoneia, games which he could legitimately if misleadingly denominate 'games of the goddess'. The Athenians had no reason to suppose that in celebrating Antonian games in 41 they were introducing a permanent civic institution. But when Antonius returned to the city in 39/8 as the New Dionysus and he and Octavia were honoured as *theoi euergetai* – and Antonius took on the important liturgy of gymnasiarch – it was only to be expected that the Antoneia would be revived. Hence the reference in our inscription.

Admittedly this is all highly speculative, but by no means improbable or even unlikely. A summary may prove helpful. In 42/1, it is here suggested, Antonius' new relationship with Athens was fashioned both at a Panathenaic Antoneia, at which event he received something in the way of a divine honour, and by way of his formal initiation in the Lesser Mysteries, on which occasion his Herculean heritage was signalled by emphasising its importance in the sacred traditions of Athens. In festival and ritual, then, the Athenians honoured Antonius by way of civic integration: these spectacular and extraordinary occasions celebrated Antonius' superiority but also his profound connection with Athena and with Athens. These were not spur of the moment events but rather the results of collaboration and careful planning. And because they were held in spring, there was ample time for advertising them throughout the east, attention on an international scale that was welcome to Antonius and Athens alike.

For any of this to be true, or something like the truth, Plutarch's catalogue of Antonius' philhellenic pleasures must be tethered to something in the real world of 42/1. If, however, they are instances of dislocation, this reconstruction must be rejected, which is also the case if they are mere fictions, confected solely for the purpose of Plutarchan characterisation. Still, something along these lines must have happened. Antonius must have been received with

grandeur, and it is clear that, on their coinage, the Athenians commemorated Antonius' Heraclean stature in a manner that combined Roman and Attic interests in marking the Triumvir's advent. For the rest, we must rely on an uncomfortably, perhaps unnaturally, close parsing of Plutarch, the results of which must at best be deemed provisional. Of one thing we can be absolutely confident: Antonius' reception at Athens was very different from the misleading version so artfully composed by Plutarch.

6. Conclusions

Antonius' visit to Athens in the aftermath of Philippi was a momentous occasion. Plutarch underlines its consequence and the atmosphere of dread that was inspired when the Triumvir and his army turned east in order to impose new and extreme financial exactions. Nor does Plutarch fail to observe Antonius' administrative industry, when, in the biographer's view, he exhibited statesmanlike moderation, presumably in arranging eastern affairs. But we must go further.

The conclusion is inescapable that Antonius' stay in Athens was celebrated with suitable pageantry. That must be true even if the reconstruction offered in this paper is not correct in its every particular. It is clear enough, if only from the Athenians' coinage, that Antonius was honoured by way of highly conventional gestures inventively elaborated for their Athenian environment through collaboration and cooperation on the part of the city and its Triumviral master. It has been suggested here that Antonius and Athens took the trouble to celebrate the Triumvir's presence through games and rituals displayed for international consumption. Again, if our speculations are right, these were celebrations that conformed to conventional expectations in the matter of visiting authorities, even if in their specifics they were suited to Antonius' distinctive identity and the Athenians' role in shaping it.

Although ceremonial flummery of this kind was unattractive to Plutarchan sensibilities, in the aftermath of Philippi its very conventionality can only have signalled to contemporaries a very welcome degree of continuity. Antonius in the east would be nothing in the way of an aberration, nothing unpredictable. Like other overlords before him, including other Roman grandees, he would remain approachable, even cooperative, and so local agency would continue to matter in the exercise of Roman authority. Greek cities could expect to move forward by way of familiar exchanges of dignity and esteem. From our perspective, Antonius' conventional posture is

unsurprising, but at a time so charged with anxiety it could hardly have been expected by everyone that the old imperial patterns would be sustained. After Thessalonica, Pella, Delphi, and especially Athens, however, the east could safely conclude that the new order would be nothing too frightfully new, and this brand of normality could only be reassuring as a prelude to the unwelcome financial impositions that lay ahead.

This was no small achievement, and even in the west it must have received with relief, especially in leading circles whose interests were international in nature. Indeed, we may have evidence that Antonius believed his salutary cooperation with Athens meant something at home as well as in Greece. Late in 42 a denarius appears in Rome that pairs Hercules with Minerva. Each figure is of course a familiar feature on Roman coins, but this conjunction is unique – and its moneyer is the same man responsible for commemorating the Triumvirate by minting gold coins displaying Antonius in combination with Hercules.[60] Perhaps, then, this coin also advertises Antonius' Triumviral precedence, in this instance through a reference to his role in stabilising Rome's eastern dominions, an accomplishment marked out by his diplomatic programme in Athens. In any case, it is clear that during that first winter after Philippi, Antonius and Athens together successfully shaped the east's transition from the regime of Brutus and Cassius to the age of the Triumvirs.[61]

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60 Hercules and Minerva: *RRC* 494.37 and 38. Buttrey 1956 (followed by *RRC*) dates these issues to late in 42. Crawford (*RRC*: 511) offers the suggestion that Minerva may be a family type of the moneyer (C. Vibius Varus, otherwise unknown). On Vibius' gold issues, see above, note 41.

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VI
CONCLUSION

LAW, VIOLENCE AND TRAUMA IN THE TRIUMVIRAL PERIOD

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The Triumvirate represents one of the confounding mysteries of Roman history. Although with the death of Cicero, the density of surviving information on events in Rome and Roman politics diminishes, and our ability to write histories as detailed as we might offer for the 50s and early 40s flags, much data survives, not least the trenchant narratives of Appian and Dio.[1] Nevertheless, outside a specialist literature focused particularly on public law—to which the essays in this volume by Francisco Pina Polo and Frederik Vervaet provide ample guidance—and Josiah Osgood's estimable study, *Caesar's Legacy*, the period has suffered a neglect so profound as to demand explanation.[2] Why have we collectively looked aside, and what is the appropriate historiographic response—what forms of historical inquiry should we bring to bear—in now coming to grips with the period?

Several responses to these questions lie in the conundrum of the Triumvirate itself and the dynamics of ancient reactions to it. The Triumvirate was an institution of law—at its most basic, it amounted to a statutory intervention in the system of magistracies and the operation of public-law

1 On the imperial Greek sources for the Triumvirate see above all Gowing 1992; see also Welch 2015, especially chapters 1, 4 and 6; the many valuable essays in Fromentin *et al.* 2016; and Lange – Vervaet 2019.

2 Osgood 2006.

institutions. On such a reading, the Triumvirate was a response to the failure of both law, and of broader commitments to the rule of law and moral constraint, in the conduct of civic life. It allowed for the suspension of protections for citizens against arbitrary violence on the part of their state; and it delivered to the Triumvirs substantial powers to enact states of exception to republican electoral and legislative machinery. In short, the creation of the Triumvirs amounted to an act of democratic self-abrogation, perhaps the most radical of all democratic acts, but withal a legislative and legalitarian act.

On the other hand, the *lex Titia* itself, the events that led to its proposal and passage, and the politics in which it issued, can and must also be understood as themselves a deformation of politics and political culture. The extraordinary and unprecedented powers of the Roman state were now turned, with brutal intensity, upon its citizens; the institutions and the very language of the law were perverted and mobilized in pursuit of predation. As Tacitus saw in respect of the continued use of republican forms—not least consular dating—in an age of republican monarchy, historiographic form responds to the (formal) rhythms of public-law institutions. To write *annales* under the Principate was to collude in its cultural violence. Silence in the face of the Triumvirate might therefore be understood as both a confession of failure and a political act—we have no form sufficient to these years, and we have refused to impose upon it the shapes of republican memory.

The Triumvirate thus presents a series of impossible choices to the writing of the past. This fact is reflected in the discrepant choices made by ancient and modern historians about when to end the history of the republic: at Pharsalus in 48? With the death of Caesar in 44 (*CAH*, first edition; Jacques and Sheid 1990; Díaz Fernández 2015)? At the institution of the Triumvirate in 43 (*CAH*, second edition)? At Actium in 31 (Broughton, *MRR*)? With the first articulation of the form of the principate in 27 (Nicolet 1977-1978)? It is also reflected in the structurally similar choices made—often by the same scholars—about when to begin the new historiography of republican monarchy: the very different decisions of Suetonius and Tacitus on this issue illustrate the nature of the problem. (To these issues of periodization should be appended another, encapsulated in Fergus Millar's proposal that we should read Horace, Propertius and Vergil as Triumviral rather than Augustan poets: in taking their careers after 27 as normative, we not only bracket their prior experience, but we accept at face value, as they perhaps had to, Augustus's

claim to have renewed the world and sequestered his own violence to an untidy and necessary past.[3])

In what follows, I assess and situate this volume in the landscape in which it intervenes by reference to this broad framing: what are the advantages and disutilities to approaching the Triumvirate as an institution of law, and therefore within the perspectives of law and politics? And what additional questions are we compelled to entertain when we understand the Triumvirate as a deformation of republican culture?

As an object of memory, the Triumvirate was presented already in antiquity as an institution of law—a response and, to a point a solution, to civil war.[4] In the words of Augustus:

> *res publica ne quid detrimenti caperet, me pro praetore simul cum consulibus providere iussit. populus autem eodem anno me consulem, cum consul uterque in bello cecidisset, et triumvirum rei publicae constituendae creavit.*
>
> [The Senate] entrusted to me with the power of a praetor, together with the consuls, the task of taking care that the *res publica* should suffer no harm. In the same year, when both consuls had fallen in war, the people made me consul and *triumvir* for establishing/setting up/settling the *res publica*.[5]

Nor does Augustus altogether misrepresent how the Triumvirate came to be. It was, famously, established by plebiscite, on the motion of Publius Titius and voted on 27 November 43:

> *[M. A]emilius [M. Antonius] Imp. Caesar IIIvir. r. p. c. ex a. d. V. Kal. Dec. ad pr. K. Ian. sex.*
>
> Marcus Aemilius, Marcus Antonius, and Imperator Caesar [were created as] a board of three for setting the affairs of the state in order, from the fifth day

3 Millar 1993 = 2002, 322; see also Millar 1973 = 2002, 267-269.

4 App. *B Civ.* 4.6: δύο δὲ ἡμέραις ἕωθεν ἐς ἑσπέραν συνιόντες τάδε ἔκριναν· ἀποθέσθαι μέν τὴν ὕπατον ἀρχὴν Καίσαρα καὶ Οὐεντίδιον αὐτὴν ἐς τὸ λοιπὸν τοῦ ἔτους μεταλαβεῖν, καινὴν δὲ ἀρχὴν ἐς διόρθωσιν τῶν ἐμφυλίων νομοθετηθῆναι Λεπίδῳ τε καὶ Ἀντωνίῳ καὶ Καίσαρι ("They met for two days from morning to evening and decided the following: Caesar and Ventidius would abdicate the consulate for the rest of the year, and a new office for the resolution of the civil wars would be created by legislation for Lepidus, Antonius and Caesar").

5 *RGDA* 1.3-4, cited from Scheid 2007, without notation as regards epigraphic restorations. See also *RGDA* 7.1: *triumvirum rei publicae constituendae fui per continuos annos decem* (heavily restored); τριῶν ἀνδρῶν ἐγενόμην δημοσίων πραγμάτων κατορθωτὴς συνεχέσιν ἔτεσιν δέκα. I adapt rather freely the translation in Cooley 2009.

> before the kalends of December (27 November 43 BCE) to the day before the kalends of January in the sixth year (i.e. 31 December 38 BCE).[6]

In his account of the foundation of the Triumvirate, Augustus omits but perhaps does not lie —a problem to which we will return. By contrast, he quite deliberately obscures how the Triumvirate ended: he next refers to the punishment of those who killed his father; he allows that he fought in civil wars; but the listing of his achievements (as it were) is not a narration, and we return to the Triumvirate only obliquely when Augustus cites his transfer of the *res publica* from his own power to the control of the senate and people, after having ended the civil wars. That the Triumvirate itself issued in civil war is never stated, and the question of the form and condition of the state both during and especially after what Augustus terms a ten-year Triumvirate is not raised.[7] (In his chapter for this volume, Frederik Vervaet proposes, following the interpretive work of Ugo Coli, the intriguing solution that the Triumvirate should be understood on analogy with the dictatorship of Sulla, and so did not end until Octavian declared its task complete).[8] Setting aside for the moment the question of how the Triumvirate ended, if it were truly a legalitarian suspension or modification of the ordinary operation of republican institutions, it would be necessary and perhaps sufficient to subject the office and the period to analysis in constitutional and sociolegal terms.

To write in this way is to take up a challenge laid down by Fergus Millar in a remarkable essay of 1973, "Triumvirate and Principate."[9] Millar allowed that the period had been marked by violence, but this was not his focus. Observing that the sources closest to the period (which happen to be in Latin—Augustus, Livy, Velleius Paterculus) say remarkably little about what he terms "the actual powers" of the Triumvirs (243), Millar instead addressed the question of what were the "effects <of> the appointment of the Triumvirs for the ordering of the *res publicae*," namely, on the functioning of "the assemblies, the Senate, and the annual magistracies."[10] As so often, Millar combined remarkable insight in the framing of questions and profound empirical mastery, and the essay remains a challenge to the field.

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6 Fasti Colotiani = *Inscriptiones Italiae* XIII.1: 273-274. See also Liv. *Per.* 120; App. *B Civ.* 4.27; and Dio Cass. 46.55.3.

7 *RGDA* 2, 3.1 and 34.1.

8 Coli 1953.

9 Millar 1973 = 2002.

10 Millar 1973 = 2002: 243-244.

The approach advocated by Millar, namely, in the absence of normative accounts or the recovery of public-law instruments, to pose the question of what actually happened—were elections held? Did the Senate meet, deliberate, and author decrees? Who exercised jurisdiction?—accords well with methods recently practiced in the study of republican magistracies. Several essays in this volume revisit, revise or extend Millar's work while employing methods similar to his own. For example, Andrea Raggi verifies and extends the record of epigraphically-preserved senatorial and Triumviral decisions, raising the total from the sixteen known to Millar to twenty. In another strand of his argument, Millar accepted that the Triumvirs had had the power, at the level of theory, to make appointments, and he assembled a great deal of anecdotal evidence for their actions in this regard; at the same time, Millar allowed that "indications" survived that "the ritual of the elections continued."[11] Francisco Pina Polo carries this inquiry significantly further, assessing not only the role of the Triumvirs in creating magistrates, but the abuse of priesthoods (by flouting traditional thresholds for qualification) and magistracies (by means of suffect appointments) to reward their followers.[12] He also takes up, so far as one can in brief compass, the question of whether, regardless of method of appointment, the duties and functions of the magistracies were properly executed (later in this essay I will sketch one domain in which the destabilization effected by this abuse of office might be assessed).

Marie-Claire Ferriès poses a question similar to that raised by Pina Polo: institutions can be said, and could be made to appear, to have functioned in a superficial way while their proper ordering was substantially undermined. The focus of Ferriès lies with the Senate, seeking to know whether the Triumvirs exercised their right to name persons to the Senate in such a fashion that the Senate could be allowed the freedom to vote and its compliance could nevertheless be guaranteed. Catherine Steel interrogates a similar discrepancy between form and substance in public life. Public speech having been essential to republican politics—and normatively associated with elite males and their unique claims on public office—Steel investigates continuities and discontinuities in the contexts and meaning of public oratory between republic and Triumvirate, with the essential caveat that those in power could contribute to sustain forms of continuity with the past in order to claim the

11 Millar 1973 = 2002: 246.

12 On suffect consuls see also Pina Polo 2018; regarding priesthoods, see Pina Polo 2019.

legitimacy that this conferred. (Of course, one should also always attend to the very real limitations on elite control over public communication, broadly construed: Martin Jehne nicely highlights the freedom of the crowd to push back against the dignity, if not the power, of not simply the Triumvirs but even the dictator Caesar). Finally, Alejandro Díaz Fernández inquires into the functioning of provincial commands, considering not least the extension under the Triumvirs of the system for delegating subordinates to provinces that had first been exploited in baroque fashion by Pompey in the 50s, following the grant to him of a five-year command in Hispania by the *lex Trebonia*. A detailed survey of the matter on an empire-wide basis, on the scale of Díaz Fernández's monographic study of republican provinces, is sorely needed.[13]

In different ways, Ferriès and Pina Polo bring a hermeneutic of suspicion to bear upon evidence that might suggest, in a formalist way, the continued functioning of republican institutions. We should take this further. Millar is correct, of course, that Appian and Dio wrote at considerable remove from the first century BCE (and in Greek). We have nevertheless no reason to question their accounts that the Triumvirs agreed in private on the design of the Triumvirate, or on the concrete actions they would immediately take under the shadow of its powers.[14] Upon all this Dio imposes the interpretive gloss that the Triumvirs successfully mobilized traditional forms of statal and social power—of institutional and vernacular politics—to legitimate their actions:

> Καὶ οἱ μὲν οὕτως ἐς τὴν Ῥώμην, πρότερος μὲν ὁ Καῖσαρ, ἔπειτα δέ καὶ ἐκεῖνοι, χωρὶς ἑκάτερος, μετὰ τῶν στρατιωτῶν ἁπάντων ἦλθον, καὶ παραχρῆμα τὰ δόξαντά σφισι διὰ τῶν δημάρχων ἐνομοθέτησαν. ἃ γὰρ ἐπέταττον καὶ ἐβιάζοντο τό τε ὄνομα τὸ τοῦ νόμου ἐλάμβανε καὶ προσέτι καὶ παράκλησιν αὐτοῖς ἔφερε· πάνυ γὰρ ἐκετευθῆναί σφας ἔδει ἵνα αὐτὰ ποιήσωσι. καὶ διὰ τοῦτο καὶ θυσίαι ἐπ᾽ αὐτοῖς ὡς καὶ ἐπ᾽ εὐτυχήμασί τισιν ἐψηφίσθησαν…
>
> So they came to Rome with all their troops, first Caesar and then the others, each one separately, and immediately they passed via legislation through the tribunes all that they had agreed upon. For the measures that they dictated and forced through not only assumed the name of law, but actually had to be supported by petitions, as the Triumvirs required that they be besought earnestly to pass them. Hence sacrifices were voted in honor of them, as if for successes...[15]

13 Díaz Fernández 2015.
14 Dio Cass. 46.55-56.1. Appian's narrative is studied further below.
15 Dio Cass. 47.2.1-2; trans. Cary, adapted.

Dio thus emphasizes in respect of the Triumvirate an interpretive claim made by Tacitus about the principate, to wit, that the adherence to republican forms assisted those in power not simply in estopping opposition, but in enabling revolution, not least because the manipulation of republican forms allowed the Triumvirs to capture (as it seems) the available language of politics. The complicity of modern scholarship in this endeavor may be assessed not only by reading Millar on the operation of institutions, but also by reading Broughton's efforts to taxonomize Triumviral power *as republican* and therefore susceptible to listing.[16] No better example of this may be found than the classification of Maecenas as "prefect of the city" in 31 BCE.[17] He may indeed have been left "in charge of" Italy and Rome, but to assimilate his position to an institutionalized magistracy is perverse. This is so particularly because Maecenas fulfilled a similar role in 36 BCE, but Broughton's nominalism apparently did not allow him to treat Maecenas as a prefect in that year. His power was extralegal and therefore could not be catalogued.[18]

These considerations return us to the problematic sketched above, between historiographic efforts that approach the Triumvirate in light of its republican façade, and those that commence by understanding it as a deformation of republican politics. To grasp the extent to which this was so, it is salutary to remember that official memory of the *lex Titia*, encoded in the *Fasti Colotiani*, does not tell the whole story of that law. Far from it, for the *lex Titia* seems also to have authorized the proscriptions:

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16 Broughton MRR.

17 Broughton MRR, vol. 2: 424; see also vol. 2: 376-378, on Gallus.

18 On 31 BCE see Tac. *Ann.* 6.11.2 (*ceterum Augustus bellis civilibus Cilnium Maecenatem equestris ordinis cunctis apud Romam atque Italiam praeposuit*) and Dio Cass. 51.3.5, whose language is also constitutionalist: καίτοι ὁ Καῖσαρ ὑποτοπήσας τε αὐτούς, καὶ φοβηθεὶς μὴ τοῦ Μαικήνου, ᾧ καὶ τότε ἥ τε Ῥώμη καὶ ἡ λοιπὴ Ἰταλία προσετέτακτο, καταφρονήσωσιν ὅτι ἱππεὺς ἦν, τὸν Ἀγρίππαν ὡς καὶ κατ᾽ ἄλλο τι ἐς τὴν Ἰταλίαν ἔπεμψε. καὶ τοσαύτην γ᾽ ἐπὶ πάντα καὶ ἐκείνῳ καὶ τῷ Μαικήνᾳ ἐξουσίαν ἔδωκεν ὥστε σφᾶς καὶ τὰς ἐπιστολάς, ἃς τῇ τε βουλῇ καὶ τοῖς ἄλλοις ἔγραφε, προαναγιγνώσκειν, κἀκ τούτου καὶ μεταγράφειν ὅσα ἐβούλοντο. On 36 BCE, see App. *B Civ.* 5.470, whose language does not immediately lend itself to a similar reading: Μαικήναν δ᾽ αὖθις ἐς Ῥώμην ἔπεμπε διά τοὺς νεωτερίζοντας· καὶ τινες παρακινοῦντες ἐκολάσθησαν. On the role of Maecenas in the 30s more generally, see Plin. *HN* 37.10: *divus Augustus inter initia sphinge signavit. duas in matris anulis eas indiscretae similitudinis invenerat. altera per bella cvilia absente ipso signavere amici epistulas et edicta quae ratio temporum nomine eius reddi postulabat, non inficeto lepore accipientium, aenigmata adferre eam sphingem. quippe etiam Maecenatis rana per collationes pecuniarum in magno terrore erat.* On this passage see Syme 1939: 284.

> *C. Caesar pacem cum Antonio et Lepido fecit ita ut III uiri rei p. constituendae per quinquennium essent ipse et Lepidus et Antonius et ut suos quisque inimicos proscriberent.*
>
> Gaius Caesar came to terms with Antony and Lepidus, such that he, Lepidus and Antonius would be *triumviri* for setting the *res publica* in order for a five-year period and they would each of them proscribe their enemies.[19]

In this light, it should be emphatically stated that what made the Triumviral proscriptions particularly terrifying was precisely that they were *not* extrajudicial killings. They occurred, rather, via the machinery of the state.

The Triumvirate thus exposed to view two related paradoxes of state power. On the one hand, it was and remains a commonplace of normative thought that the state exists to protect private property rights[20] —on some understandings, this is the limit of what it should do domestically. To do this, states must aggregate force and monopolize the right to legitimate the use of violence. At the same time, it has been argued as a matter of historical analysis that the essential functions of early states are all connected with violence: states justify themselves by protecting their populations and territory—which actions are often directed at enemies not simply without but within—; states extract wealth to achieve these ends; and states build capacities to direct more-or-less exclusively these two functions.[21] To protect private property, one might say, the state must take it away; while the same capacities that states build to project power externally make it the most efficient mechanism ever developed for harvesting wealth domestically.

In order to appreciate the import of this relatively bloodless, theoretical language for the analysis of the Triumvirate, it is essential to recall the work performed by Augustus to acknowledge but also to cleanse memories of the Triumvirate. (Aspects of this issue impinge on the paper of Henriette van der Blom, who charts not simply what we know of the practice of Octavian as orator, but also the material to which historians among the ancients had access). Augustus's efforts in that regard, and likewise the mobilization by the Triumvirs of the machinery of legislation, recall the gloss placed by Appian on Sulla's honoring of republican forms in the midst of his dictatorship. Already for the year 81 BCE, Sulla permitted the people to elect Marcus Tullius Decula

19 Liv. *Per.* 120.
20 For a reading of Cicero along these lines, see Wood 1988.
21 Tilly 1985; 1990.

and Gnaeus Cornelius Dolabella as consuls, "to maintain the façade of the ancestral constitution" (ἐς μὲν πρόσχημα τῆς πατρίου πολιτείας).[22]

> τοῦ δ' ἐπιόντος ἔτους Σύλλας, καίπερ ὢν δικτάτωρ, ἐς ὑπόκρισιν ὅμως καὶ σχῆμα δημοκρατικῆς ἀρχῆς ὑπέστη καὶ ὕπατος αὖθις γενέσθαι σὺν Μετέλλῳ τῷ Εὐσεβεῖ. καὶ ἀπὸ τοῦδε ἴσως ἔτι νῦν οἱ Ῥωμαίων βασιλέες, ὑπάτους ἀποφαίνοντες τῇ πατρίδι, ἔστιν ὅτε καὶ ἑαυτοὺς ἀποδεικνύουσιν, ἐν καλῷ τιθέμενοι μετὰ τῆς μεγίστης ἀρχῆς καὶ ὑπατεῦσαι.
>
> The following year, Sulla, although he was still dictator, in order to preserve alike the pretence and the form of republican rule, undertook to be consul for the second time, together with Metellus the Pius. From this example, perhaps, even now the Roman emperors appoint consuls for the fatherland and even nominate themselves, thinking it fine to hold the consulate along with the highest power.[23]

For Sulla, and the Triumvirs in their turn, the legitimacy of the state retained sufficient ideological power that it was worth claiming that power for oneself—and denying it to others. But it should now be clear what these formulations entail. On one level, the perversion of republican institutions into instruments of death and predation against their own citizens subverted essential foundations of the rule of law, such as the belief that we are each of us members of the state for the sake of protections it affords us equally, or that it observes in the application of law a certain citizenly equality. On another level, the perversion of republican institutions also evacuated life of any sense of shared hope or common good. Moreover, in neither the material realities of social life, nor in any political imaginary, was there recourse beyond the state for aid. Only in this light can one comprehend the terror aroused in the municipalities of Italy by receipt of letters sealed with the frog of Maecenas, or, as I have emphasized, the cannibalism practiced in the proscriptions, by a government and its citizens upon their own.[24]

Modeling the Triumvirate as deformation also allows us to give proper scope to the struggles at sense-making undertaken in the period. Valentina Arena tackles an absolutely essential aspect of this issue when she traces the varied fates of normative vocabularies across the first century BCE, not least the antonyms *dissensio* and *concordia*, *bellum* and *pax* (as well as *tumultus, adversarius*, and the like). Language mattered in the moment, because "[t]he

22 App. *B Civ.* 1.465.

23 App. *B Civ.* 1.478-9; the translation is indebted to that of Horace White but substantially revised.

24 On Maecenas see Plin. *HN* 37.10, quoted above n. 18.

idea of civil war was a weapon in itself and one that could change the way in which reality might be perceived and action taken." It also mattered in the long run, as a model of citizenly conduct founded upon the lowest-common-denominator quality of non-violence, established a vastly lower threshold for citizenly politics than had Ciceronian concord.

Hannah Cornwell and Carsten Hjort Lange take this inquiry into Roman-on-Roman violence further. Cornwell highlights the competing vocabularies, iconographies and diplomatic practices through which rupture and reconciliation were expressed in Triumviral politics, especially in its first half-decade (diplomatic practice also figures in Enrique García Riaza's careful elucidation of practices of communication in the Triumviral period). Her careful analysis and chronology help one to sense the despair that must have gripped Rome, Italy, and Mediterranean as the normative resources in support of collaboration between Caesar and Antony wore away. Lange explores the symbolics of ovation, triumph, and peace in the early years of the Triumvirate—at issue was both the Romans' willingness to give a name to what they had inflicted and endured, but also their capacity to craft solutions commensurate to those actions.

The instability that these languages sought to control, the systemic predation at the heart of government, and the martial violence that seemed always imminent, must have caused deep and lasting trauma. This was diagnosed at the time, and discussed in Augustan memory, in terms of fear, as Frédéric Hurlet shows in a splendid paper. What deserves further emphasis is the specificity of Roman conceptions of the late republican civil wars, not least that these were many: Augustus himself acknowledged that he had ended the civil wars (*bella civilia*, plural[25]), and later historiography figured him as the victor in five: "against Antonius at Mutina; against Lucius Antonius, the brother of Antonius, at Perusia; against Sextus Pompeius, the son of Pompeius, in the straight of Sicily; against Brutus and Cassius in Thessaly; against Antonius and Cleopatra in Epirus at Actium."[26] Although it became possible to conceive these as imbricated and their cause as systemic, the contemporaneous understanding of the wars as multiple—as stopping and then starting again—is the necessary background to the desperate experiments traced by Cornwell and Lange. An essential further step will be to continue Emilio Gabba's

25 *RGDA* 34.1.
26 Servius, *Ad Ecl.* 4.13; see also idem, *ad Aen.* 6.832

inquiry into the writing and reception of oppositional historiography during and after the reign of Augustus, exemplified, as he observes, in the remarkable catalog of Augustan failure in Plin. *HN* 7.147-150.[27]

Several papers in the volume take up the topic of economic and social instability to which Pliny's account of Maecenas points, and likewise the unrest that drew Maecenas and Agrippa back to Italy and Rome in 36 BCE. In her study of fiscality under the Triumvirs, Marta García Morcillo turns some expectations on their head. Beyond the ad-hoc exactions of money and land that dominate ancient literary accounts, García Morcillo demonstrates that several taxes initiated under the Triumvirs continued, or were refashioned, under the principate, not least the taxes on auctions and the sale of slaves. This was so despite the extraordinary unpopularity of many of these at the moment of their institution. Dominik Maschek surveys literary, epigraphic and material evidence for aspects of public building and private consumption under the Triumvirate. In both arenas, there is evidence that large and irregular movements of wealth, alongside disruptions to prior systems of social differentiation, enabled parties—even whole classes—to make novel claims for public display, whether military men who exploited public building and other means to leapfrog the system to social prominence, or so-called social upstarts, to wit, freedpersons and their families, who exploited group portraits to advertise their achievements to the world. The occasions for public speech by women discussed by Catherine Steel came about for structurally similar reasons of profound social disruption.

The targets of Maecenas in his exactions were Italian municipalities, and it is likely that he and other agents of Octavian sought, from different places with discrepant incidence, contributions of land to aid in the settlement of veterans; money in support of war; and corvée labor for the construction of a fleet. Cristina Rosillo-López devotes her chapter to recovering the agency and politics of non-Roman Italians in these years. To do so, she steps beyond the history of land expropriation—which has, of course, a mature historiography—and offers a useful survey of social and economic upheaval in these years, including forms of urban and collective unrest as well as banditry. The questions raised by Rosillo-López about the suffering of Italy in these years and the volatility of its politics should be framed not simply in light of *The*

27 Gabba 1984; see also Lange – Vervaet 2019; cf. Börm 2019.

Roman Revolution, but also Bruce Frier's *The Rise of the Roman Jurists*.[28] Frier suggested that important structural changes in the Roman legal system arose in consequence of the increase in case load that followed upon the increase in the citizen population after the Social War. In Frier's view, these new users are likely to have been more invested in the rational ordering of the system than were those for whom it was familiar.[29] The varied strands of Frier's argument come together thus:

> Broadly speaking, the rise of the Roman jurists may thus be attributed to three external factors: the enfranchisement of the Italians (perhaps the most important factor); the increase in commerce and personal wealth during the late Republic; and the political instability of the era. These external factors produced demands upon the internal structure of the Roman judicial system, which in practice could satisfy the demands only through a gradual upgrading of the weight accorded to jurists' pronouncements on law. Most of the change probably occurred on the micro-scale, as new patterns of judicial conduct emerged and were reinforced through social acceptance; hence the evidence for the change is mainly indirect and circumstantial, though rather conclusive. In general, so I would argue, the increasing scale and complexity of late Republican society made it desirable (though not necessarily inevitable) that law become differentiated a higher and more deliberate level than in earlier Mediterranean societies; and the presence of the jurists at the margins of the Roman judicial system made it possible for this to occur. The factors that caused the rise of the Roman jurists are thus broadly similar to those that created and shaped the Principate.[30]

Frier's argument is clearly indebted to, and convergent with, the broader claims of Syme about the contribution (loosely termed) of the municipal aristocracies of Italy to the stability of the Augustan regime. Rosillo-López suggests that these interpretive claims, if they are to stand, cannot be taken for granted, nor can they be defended narrowly on demographic grounds, which is, of course, where Syme's empiricism operates best. Frier's claims also return us to the issues discussed by Pina Polo, not least the cavalier way in which the office of praetor was treated by the Triumvirs. The resulting dysfunction in the exercise of jurisdiction must have had substantial ramifications. We may not be able to document these; Frier's work at least allows us to hypothesize about their effects in light of a rich historical sociology.

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28 Syme 1939; Frier 1985.
29 Frier 1985: 278.
30 Frier 1985: 282.

With this, let us return to the Augustan settlement, now with a more complex understanding of the desperate longing that was its essential precondition. I have suggested that more than dysfunction in jurisdiction was at stake in the operations of the Triumvirate. On the contrary, it was the cooptation and deformation of the machinery of the state, not least in respect of the rule of law, that must have contributed most greatly to feelings of alienation and desperation felt by Romans and Italians even within their own communities. That the Triumvirs and their friends depended on institutions of the law to work their violence, rather than mere force of arms, is also suggested by the famous account of the jurist Aulus Cascellius offered by Valerius Maximus:

> *Age, Cascellius uir iuris ciuilis scientia clarus quam periculose contumax! nullius enim aut gratia aut auctoritate conpelli potuit ut de aliqua earum rerum quas triumuiri <dono> dederant formulam conponeret, hoc animi iudicio uniuersa victoriae eorum beneficia extra omnem ordinem legum ponens.*
>
> Well then, Cascellius, a man famous for his knowledge of civil law, how perilously contumacious was he! By no man's favor or authority could he be constrained to compose a *formula* concerning any of those things that the Triumvirs had given as a gift. In his view, all the benefactions that arose from their victory were outside any proper ordering of the law.[31]

The anecdote imagines that the Triumvirs granted the property of proscribed or merely disfavored third parties to their partisans. In the event that some relation of the former owner—most likely, an heir, legatee, or wife—contested title to the property, recourse was had to the courts. Valerius Maximus imagines that Cascellius refused even to allow such matters to proceed to trial, as he did not recognize the underlying legality of Triumviral action.

Cascellius was not the only lawyer to protest the abuse of law that issued from the Triumviral and Augustan appropriation of republican forms.[32] Suetonius recorded an anecdote, now preserved by Jerome, to the effect that Marcus Valerius Messala Corvinus, appointed the first Prefect of the City in 26 BCE, resigned the office on the sixth day, protesting that it amounted to an "uncitizenly power"; according to Tacitus, having been appointed, Messala

31 Val. Max. 6.2.12, trans. Shackleton Bailey, adapted.

32 On the reactionary republicanism of Antistius Labeo against Augustus as remembered by Ateius Capito (and preserved by Aul. Gell. 13.12.1-2 = Huschke–Seckel–Kübler fr.19), see Millar 1973 = 2002: 269-270, as well as Bryen 2018.

soon resigned the power, on the pretext that he did not know how to exercise it.[33] These were subtle yet forceful repudiations of forms of power or, perhaps, of power's seeking after forms. Messala's vocabulary leads me to a final conclusion. What made the prefecture of the city *incivilis*, "uncitizenly?" It may be that he protested the notion that a single person so ruled the citizenly space of the city that he might hand off its management to another. It is also true that the prefecture as an instrument of governance and administration of law originated in the punishment levied by Rome on Capua in punishment of that community's conduct in the Hannibalic war: its citizens were deprived of all exercise of self-rule and left without even the image of a *res publica*, and a prefect with jurisdiction was henceforth dispatched from Rome to Capua to settle disputes among its own wholly atomized residents.[34] The prefecture was an instrument of empire.

Which returns us to the Triumvirate itself. The immediate antecedent for its powers, and the language in which these were couched, was obviously the dictatorship of Sulla.[35] But these offices were alike indebted to the vocabularies long employed in public law to empower *tresviri* to establish colonies.[36] It likewise bears mention that the Greek vocabulary employed by Appian and Dio, that of establishing and setting things straight, find its native context in the Roman period in the imperial management of cities (deemed) unable to manage their own affairs.[37] Not for naught does Appian

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33 Suet. *De viris illustribus* fr. 61 Reifferscheid: *Messala Corvinus primus praefectus urbis factus sexto die magistratu se abdicavit, incivilem potestatem esse contestans*. The fragment derives from Jerome's Chronicle, among the entries for the third year of the 188th Olympiad. See also Seneca *Apocolocyntosis* 10.2, where, in a moment laden with irony, Augustus says that he, like Messala, was ashamed of his power (*pudet imperii*); as well as Tac. *Ann*. 6.11.3: *primusque Messala Corvinus eam potestatem et paucos intra dies finem accepit quasi nescius exercendi*.

34 Cic. *Leg. agr.* 2.88, on which see Ando 2012.

35 On which see Vervaet 2004.

36 First attested in the *lex agraria* (*RS* no.2), line 22: *[—- quo in agro loco oppidum coloniaue ex lege plebeiue scito constitueretur deduceretur conlocaretur, quo in agro loco IIIuir a(gris) d(andis) a(dsignandis) i]d oppidum coloniamue ex lege plebeiue sc(ito) constituit, deduxitue conlocauitue...*

37 See, e.g., App. *B Civ.* 4.6: δύο δὲ ἡμέραις ἔωθεν ἐς ἑσπέραν συνιόντες τάδε ἔκριναν· ἀποθέσθαι μὲν τὴν ὕπατον ἀρχὴν καίσαρα καὶ Οὐεντίδιον αὐτὴν ἐς τὸ λοιπὸν τοῦ ἔτους μεταλαβεῖν, καὶνὴν δὲ ἀρχὴν ἐς διόρθωσιν τῶν ἐμφυλίων νομοθετηθῆναι Λεπίδῳ ττε καὶ Ἀντωνίῳ καὶ Καίσαρι, ἦν ἐπὶ πενταετὺς αὐτοὺς ἄρχειν, ἴσον ἰσχύουσαν ὑπάτοις· ὧδε γὰρ ἔδοχεν ἀντὶ δικτατόρων ὀνομάσαι, διὰ τὸ δόγμα ἴσως τὸ Ἀντωνίου κωλῦον ἔτι γίγνεσθαι δικτάτορα.

offer the remarkable interpretive claim that the Triumvirate should be understood not on analogy with the dictatorship or any republican office, but as a form of *harmost*:

> ὡς δὲ ἐσῆλθον, αὐτίκα μὲν ἡ πόλις ἦν πλήρης ὅπλων τε καὶ σημείων διατεταγμένων ἐς τὰ ἐπίκαιρα, αὐτίκα δὲ ἐν μέσῳ τούτων ἤγετο ἐκκλησία, καὶ δήμαρχος Πούπλιος Τίτιος ἐνομοθέτει καινήν ἀρχὴν ἐπὶ καταστάσει τῶν παρόντων ἐς πενταετὴς εἶναι τριῶν ἀνδρῶν, Λεπίδου τε καὶ Ἀντωνίου καὶ Καίσαρος, ἴσον ἰσχύουσαν ὑπάτοις, ἣν ἄν τις Ἑλλήνων ἁρμοστὰς ὀνομάσειεν, ὅ καὶ Λακεδαιμόνιοι τοῖς ἄρτι καθισταμένοις τὰ ὕπήκοα ἐτίθεντο ὄνομα..
>
> As they arrived, the city was speedily filled with arms and military standards, disposed in the most advantageous places. A public assembly was forthwith convened in the midst of these armed men, and the tribune Publius Titius proposed a law providing for a new magistracy for settling the present disorders, to consist of three men to hold office for five years, namely, Lepidus, Antony, and Octavius, with the same power as consuls. Among the Greeks these would have been called harmosts, which is the name the Lacedæmonians gave to those whom they appointed over their subject states.[38]

Of course, it was precisely the Romans' declining to employ garrisons that Appian had singled out as distinctive about Roman imperialism—in implicit contrast to Greek practice—in his programmatic account of the history of Roman Italy that opens his account of the civil wars.[39] The Triumvirate, like the prefecture of the city, thus amounted to a technology of domination that the Romans had first developed to extend rule over non-Roman persons and spaces, which was henceforth to be deployed in domination of Romans at Rome.

Finally, as it matters that the Triumvirs chose to work through rather than around traditional law-applying institutions, so it matters that they hearkened so to the language of public law, and that later Romans—at least, those writing in Latin—so faithfully reproduced it. It is a forceful reminder that the Romans, too, wanted—and not merely Broughton, or Millar—in different ways, at different times, for different reasons to understand their own history as continuous, and the language of the law, and the gradual juridification of politics, provided the most enduring and adaptable means in these endeavors.[40]

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38 App. *B Civ*. 4.27; trans. Horace White.

39 App. *B Civ*. 1.26.

40 A larger context for the arguments in this essay may be found in Ando 2011.

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Nothing from the subsequent Augustan age can be fully explained without understanding the previous Triumviral period (43-31 BC). In this book, twenty experts from nine different countries and nineteen universities examine the Triumviral age not merely as a phase of transition to the Principate but as a proper period with its own dynamics and issues, which were a consequence of the previous years. The volume aims to address a series of underlying structural problems that emerged in that time, such as the legal nature of power attributed to the Triumvirs; changes and continuity in Republican institutions, both in Rome and the provinces of the Empire; the development of the very concept of civil war; the strategies of political communication and propaganda in order to win over public opinion; economic consequences for Rome and Italy, whether caused by the damage from constant wars or, alternatively, resulting from the proscriptions and confiscations carried out by the Triumvirs; and the transformation of Roman-Italian society. All these studies provide a complete, fresh and innovative picture of a key period that signaled the end of the Roman Republic.

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